

### **Part III - Local Rules of Bankruptcy Practice**

#### **LR 1001. TITLE; SCOPE OF RULES.**

(a) Title. These rules constitute the Local Rules of Practice of the United States District Court, District of Nevada. This part governs cases and proceedings before the United States Bankruptcy Court of this district. These rules may be cited as “LR \_\_\_\_”.

(b) Applicability of local bankruptcy and district court rules.

(1) The Federal Rules of Bankruptcy Procedure and these local rules govern procedure in all bankruptcy cases and proceedings in the District of Nevada. Except for those matters contained in Part IA of the Local Rules of Practice for the United States District Court for the District of Nevada, no other local rules of practice of the United States District Court for the District of Nevada apply.

(2) All cases and proceedings within the bankruptcy jurisdiction of the courts are referred to the bankruptcy judges. Except as provided in LR 8001, *et seq.*, these local rules shall not apply to bankruptcy proceedings in the district court.

(3) These rules supplement or, as permitted, modify the Federal Rules of Bankruptcy Procedure and shall be construed to be consistent with the Federal Rules of Bankruptcy Procedure and to promote the just, efficient and economical determination of every action and proceeding.

(4) These rules become effective December 1, 2000, and shall govern all actions and proceedings pending or commenced on or after that date.

(c) General and special orders, guidelines, and policy statements.

(1) These rules may be amended subsequent to their effective date by administrative order of the court. There may be other matters relating to internal court administration that, in the discretion of the court en banc, may be accomplished through the use of general orders. The clerk shall maintain copies of such orders, guidelines, and policy statements that relate to practice before this court and shall make copies available upon request and the payment of a nominal charge.

(2) As of the date of adoption of these rules, all administrative orders shall be superseded by these local rules. All future administrative orders shall be categorized by the year of adoption and numbered consecutively.

(d) Procedures outside the rules. These rules are not intended to limit the discretion of the court in any respect. The court may, upon a showing of good cause, waive any of these rules, or make such additional orders as it may deem appropriate and in the interests of justice.

(e) Sanctions for noncompliance with rules. Failure of counsel or of a party to comply with these rules, with the Federal Rules of Civil Procedure or with the Federal Rules of Bankruptcy Procedure, or with any order of the court may be grounds for imposition of any and all sanctions, including, without limitation, the imposition of monetary sanctions.

(f) United States Trustee Guidelines. The United States Trustee may, from time to time,

issue guidelines regarding all matters in or relating to cases under title 11 of the United States Code. Copies of such guidelines shall be available from the United States Trustee upon request.

**LR 1002. PETITION - GENERAL.**

(a) Number of copies.

(1) The clerk of the court shall maintain a list of copy requirements which will specify the minimal number of copies to be submitted for filing. The clerk of the court may from time to time revise the list of copy requirements. When revised, the list of copy requirements shall be reissued in full with a notation of the effective date of the revision. Copies of the list of copy requirements shall be available from the clerk of the court upon request, and shall be posted on the court's web site at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov).

(2) In all cases in which the Internal Revenue Service is listed as a creditor, and in all chapter 11 cases, one additional copy of all petitions, lists, schedules, statements, and amendments thereto, and one additional copy of all chapter 11, 12 or 13 plans, shall be filed.

(3) If the filer wishes to receive a file-stamped copy of any petition, list, schedule, statement, and amendment thereto, or pleading or other paper submitted for filing, such person shall submit one additional copy and, if by mail, a self-addressed, postage paid envelope.

(4) Notwithstanding this rule, upon request from the clerk a person shall furnish to the clerk additional copies in any particular case or proceeding as requested.

(b) Additional documents. When a voluntary petition is filed by a corporation, there shall be attached to the petition as an exhibit a true copy of the resolution of the petitioner's board of directors authorizing the filing of the petition.

(c) Debtor's duty to notice other courts of the filing of bankruptcy petition. Within fifteen (15) days after filing a bankruptcy petition, the debtor shall serve a notice of the commencement of the bankruptcy case on the clerk of any court where any claim or cause of action is pending against, or on behalf of, the debtor. The debtor or debtor's counsel shall file evidence of service of the notice with the bankruptcy court within five (5) days after service is completed.

(d) Disclosure statement. In addition to other documents required to be filed, any non-governmental non-individual debtor shall file with the petition, or within fifteen days thereafter, a statement identifying all "affiliates" and "insiders" (as defined in 11 U.S.C. § 101(2) and (31)). Counsel have an ongoing obligation to supplement their disclosure consistent with this rule if there is any change in the identification of parties.

**LR 1003. JOINDER OF PARTIES IN INVOLUNTARY CASE; NOTICE.**

Upon the debtor's filing of an answer averring the existence of twelve (12) or more creditors, the creditor(s) filing the involuntary petition shall serve a copy of the petition, the answer, and a notice to each such creditor. The notice shall specify that the creditor may join in the petition before the hearing date held thereon.

**LR 1004. PETITION - PARTNERSHIP.**

When a voluntary petition is filed by a partnership, evidence of the consent of all general partners shall be attached to the petition unless other than unanimous consent is permitted by a written partnership agreement. In the event that the partnership agreement allows other than unanimous consent, a declaration to that effect will be attached to the petition.

**LR 1005. PETITION - CAPTION.**

The name, Nevada state bar number, address and telephone number of the attorney and any associated attorney appearing for the party filing the petition, or the name, address and telephone number of a party appearing *in pro se*; and the chapter of the Bankruptcy Code under which the case is filed shall be included upon the first page and/or second page of every petition presented for filing.

**LR 1006. FILING FEE; PAYMENT OF FILING FEE IN INSTALLMENTS.**

Applications for Permission to Pay Filing Fees in Installments by individuals shall provide that an initial payment of no less than fifty dollars (\$50) shall be made within forty-eight (48) hours of the filing of the petition, a second payment of no less than fifty dollars (\$50) shall be made within thirty (30) days after the filing of the petition, and the balance of the filing fee shall be paid within sixty (60) days after the filing of the petition. Any application requesting payments to be made in a different manner shall be supported by an affidavit describing special circumstances.

**LR 1007. LISTS, SCHEDULES AND STATEMENTS; MAILING - LIST OR MATRIX.**

(a) Number of copies. See LR 1002(a).

(b) Master mailing matrix.

(1) Duty to prepare. The debtor shall file a master mailing list on a form approved by the clerk. Upon receipt of the master list, the clerk shall enter the filing date.

(2) Form and content. The following information shall be contained in the master mailing matrix:

(A) The debtor's name and address and that of the debtor's attorney shall be stated as the first and second items, followed by a list of the names and addresses of creditors, either alphabetically or alphabetically by category, including those parties to pending lawsuits indicated on the debtor's Statement of Financial Affairs, and those additional parties and governmental entities specified in LR 2002;

(B) All addresses shall include zip codes;

(C) If the debtor is a partnership or a corporation, the names and addresses of all general partners or corporate officers shall be listed; and

(D) A declaration by the debtor attesting to the completeness and correctness of the list.

(3) Amendment. A supplement to the master list shall be submitted with the filing of any amended schedule of creditors. The supplement shall not otherwise repeat those creditors set forth in the master list, but shall list only the following information:

(A) The complete names and addresses of additional creditors and corrections to the master list, together with the bankruptcy case number, and the date on which the creditor was added to the master list; and

(B) The complete names and address of any party requesting special notice together with the bankruptcy case number, and the date on which the creditor was added to the master list.

(4) Accuracy. Accuracy and completeness in preparing the master list and any supplement thereto is the responsibility of the debtor and the debtor's attorney. The clerk shall not be required to compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master list or supplement.

(5) Noticing. Any party who mails a notice to creditors and parties in interest shall have the responsibility of comparing the names and addresses listed on the master mailing matrix to the names and addresses shown on the schedules, amendments to schedules, requests for special notices, any related adversary files and any proofs of claim filed by creditors to ensure the accuracy and completeness of the master mailing matrix prior to the mailing of any such notice.

(6) Special notice matrix. Counsel for the debtor may prepare and file a "special notice matrix" including the names and addresses of those entities listed in LR 2002(a)(5) and (6), all secured creditors or their counsel, the twenty (20) largest unsecured creditors or their counsel, all professionals employed in the case, and those entities who have filed a request for notice.

(c) Extension of Time. Any motion to extend the time to file lists, schedules, and statements must be filed within the 15 day time period provided by Fed. R. Bank. P. 1007, and any such motion will be set on a hearing date of not less than 10 days notice.

#### **LR 1013. HEARING AND DISPOSITION OF PETITION IN INVOLUNTARY CASES.**

(a) Setting of trial of involuntary cases. Unless a status hearing is set by the clerk upon the filing of an involuntary petition, the petitioning creditor shall obtain a hearing date from the clerk for the trial of a contested petition and shall immediately notify the debtor and any creditors identified in the debtor's answer of the hearing date.

(b) Effect of default. If an answer or responsive pleading is not filed as required by Fed. R. Bank. P. 1011, the petitioning creditor shall, within five (5) days after such default, submit an order for relief, or a notice of voluntary dismissal to the court. If the petitioning creditor fails to file such an order or notice, the court may dismiss the case without prejudice.

#### **LR 1015. RELATED CASES.**

(a) Notice of related cases. Counsel or a debtor who is aware that a case on file, or about to be filed, is related to another case that is pending or that was pending within the preceding six (6) months shall file a Notice of Related Cases, setting forth the title, number and filing date of each related case,

together with a brief statement of the relationship.

(b) Cases deemed related. Cases deemed to be related within the meaning of this rule include the following:

- (1) The debtors are the same entity;
- (2) The debtors are husband and wife;
- (3) The debtors are partners;
- (4) The debtor in one case is a general partner or majority shareholder of the debtor in the other case;
- (5) The debtors have the same partners or substantially the same shareholders; or
- (6) The debtors are affiliated as that term is defined under 11 U.S.C. § 101(2).

(c) Reservation of judicial discretion to deem case as related. Without limiting the foregoing, the court may deem the case to be so related as to warrant being treated as related.

(d) Assignment to judges. Unless otherwise directed by the court, related cases filed at the same time shall be assigned to one judge. The clerk, whenever apprised of related cases, and after consultation with both the previously assigned judge and the proposed judge, shall cause the second case to be filed to be reassigned to the judge to whom the first such case was assigned, unless the court orders otherwise.

(e) Nonlimitation of applicability. Nothing contained herein shall preclude a judge from assigning any case or adversary proceeding to another judge.

#### **LR 1016. NOTIFICATION OF DEATH OR INCOMPETENCY.**

Upon the death or incompetency of the debtor, the executor, administrator or guardian of such debtor shall file a statement with the court of such fact and shall immediately serve such statement upon the trustee in a case in which a trustee is serving, or upon the United States trustee, if no trustee has been appointed.

#### **LR 1070. JURISDICTION.**

(a) Any case, contested matter, or adversary proceeding which is referred either automatically or otherwise to a particular bankruptcy judge may be heard by any other bankruptcy judge or by a bankruptcy judge designated and assigned temporarily to this district.

(b) Judges assigned to either division of this court may travel and hear cases in any official duty station within the district.

#### **LR 1071. DIVISIONS - BANKRUPTCY COURT.**

(a) The State of Nevada constitutes one judicial district. For convenience the district is divided into two (2) unofficial divisions as follows:

- (1) Southern Division: Clark, Esmeralda, Lincoln and Nye Counties.
- (2) Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Counties.

(b) Petitions must be filed in the division in which venue is based. If a petition is filed in an incorrect division, the court may, *sua sponte*, transfer it to the appropriate division, or retain the case.

**LR 1073. ASSIGNMENT OF CASES.**

See LR 1015(d) and LR 5075(a)(1)(A).

**LR 2002. NOTICE TO CREDITORS, AND OTHER INTERESTED PARTIES.**

(a) Notices to parties in interest.

(1) Any person who files any pleading, written motion or other paper (hereafter “papers”) which are required to be noticed for a hearing or served upon any other party shall mail those papers and notices to all parties which are required to be noticed or served. The clerk shall not mail those notices or papers unless otherwise ordered by the court.

(2) Pursuant to the provisions of Fed. R. Bank. P. 2002, the debtor in each bankruptcy case filed is directed to give the trustee, all creditors and other parties in interest, at least twenty (20) days notice by mail of the Order for § 341 Meeting of Creditors entered by the court in each bankruptcy case.

(3) Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

(4) Upon failure to provide evidence of the mailing of the Order for § 341 Meeting of Creditors in accordance with LR2002(a)(3), the Court, upon hearing and notice, may dismiss the case. If the notice required by LR 2002(a)(2) was not timely served, and the Court grants an extension of time to serve the notice, the original creditor’s meeting shall be vacated and a new date for the meeting of creditors shall be set. Any motion or request to extend the time to mail such notice and/or to set aside the dismissal shall be deemed to be both a waiver of the deadlines which run from the vacated first date set for the meeting of creditors and a stipulation to set such deadlines from the re-noticed hearing date.

(5) Any paper which is required to be served or noticed to all parties shall also be served or noticed upon the following entities:

- (A) Department of Employment, Training & Rehabilitation, Employment Security Division; and

(B) United States Trustee.

(6) The person giving notice of a matter that requires notice to all creditors and all parties in interest in a chapter 11 case shall in addition to giving notice as required by paragraph (5) of this rule, give notice to:

(A) Internal Revenue Service  
District Director  
Attention: Bankruptcy Unit;

(B) Nevada Department of Taxation  
Bankruptcy Division; and

(C) State of Nevada, Department of Motor Vehicles & Public Safety,  
Registration Division, Motor Carrier Bureau.

(7) The person giving notice of a matter that requires notice to all creditors and parties in interest in a chapter 12 case shall, in addition to giving notice as required by subsection (5) of this rule, give notice to:

(A) U.S. Department of Agriculture,  
Rural Housing Service (USDA, CSC); and

(B) Nevada Department of Taxation  
Bankruptcy Division.

(8) Unless otherwise requested by the United States trustee or waived in the United States Trustee Guidelines, all documents filed by the debtor or party in interest with the United States Bankruptcy Court, other than proofs of claim, shall be served contemporaneously upon the United States trustee.

(b) Notice to creditors whose claims have been filed. After the expiration of a claims bar date in a chapter 7 case, all notices required by Fed. R. Bank. P. 2002(a) may be mailed only to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed with the clerk and to creditors, if any, that are permitted to file claims by reason of an extension granted pursuant to Fed. R. Bank. P. 3002(c) (1) or (c)(2).

(c) Manner of clerk's notice to United States trustee and trustees. The clerk is authorized to serve the United States trustee and all trustees by transmitting a copy of any petition, pleading or paper for pickup by those persons and/or governmental unit. Such transmittal may be made by depositing any such petition, pleading or paper into a designated box located in the clerk's office, which conditions for pickup may be changed from time to time at the clerk's discretion. The clerk's deposit of such transmittal is deemed to be receipt thereof, and it is the sole responsibility of such persons and/or governmental unit to collect these transmittals.

(d) Manner of clerk's notice to attorneys. The clerk is authorized to serve any attorney, or any party represented by an attorney, by placing a copy of any petition, pleading, notice, order or other paper in a designated location in the clerk's office. The clerk shall prescribe the conditions for pickup which may be changed from time to time at the clerk's discretion. The clerk's deposit of such pleading is deemed to be receipt thereof and will be made only to the submitting attorney shown in the caption of the

paper. In accordance with LR 9022, such attorney shall serve all other parties.

**LR 2003. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.**

A motion to waive the appearance of the debtor shall state that the United States trustee and the trustee in a chapter 7, 12 or 13 case have been contacted, and whether there is an objection to such waiver.

**LR 2004. DEPOSITIONS AND EXAMINATIONS.**

(a) Request for examination. All requests for orders pursuant to Fed. R. Bank. P. 2004 shall be made by motion and shall be accompanied by a proposed order.

(b) Order for examination. Orders for examination may be signed by the clerk if the date set for examination is more than ten (10) business days from the date such motion is filed. If examination is requested on less than ten (10) business days notice, such motion shall include a statement as to whether or not the examination date has been agreed upon, or if no agreement has been reached, why examination on less than ten (10) business days notice is requested.

**LR 2010. TRUSTEES - BONDS/SURETY.**

(a) Blanket bond coverage. Trustees covered by the blanket bond applicable to the United States Trustee Region 17 and the District of Nevada shall pro rate the cost of the annual bond premium as to those asset estates held by the trustee at the time the bond premium is due and shall pay such pro rata share from each estate.

(b) Increase in bond premium. Any increase in the amount of the bond required in an individual case which results in an increase in the bond premium for that specific case shall be paid by the trustee from the assets of that specific case.

(c) Payment of bond premiums. All such bond premiums shall be paid by the trustee on or before the due date of such bond premium.

(d) Maintenance of original bonds. The United States trustee shall maintain all original bonds covering the trustees, and shall provide a copy to the clerk for purposes of maintaining the court's record.

**LR 2015. TRUSTEES - GENERAL.**

Without altering the priorities established under 11 U.S.C. § 507, or creating a superpriority, a trustee or debtor who operates a business shall pay all taxes, fees, charges, or other required payments to governmental entities on a timely basis, except where otherwise ordered.

**LR 2016. COMPENSATION OF PROFESSIONALS.**

The court, each chapter 13 standing trustee (upon approval by the court), or the United States



trustee may, from time to time, issue guidelines for fee applications. Unless otherwise ordered by the court, these guidelines must be observed. Copies of guidelines for fee applications shall be available upon request from the issuing entity.

**LR 3001. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL.**

(a) Form and Content. Each proof of claim must clearly state the chapter of the Bankruptcy Code under which the case is pending at the time the claim is filed.

(b) Transferred Claims.

(1) Each proof of claim for a transferred claim must clearly state on the face of the claim form, immediately adjacent to the bankruptcy case number, that (1) the claim has been "transferred other than for security" or (2) the claim has been "transferred for security."

(2) Each claimant who files a proof of claim for a transferred claim shall prepare and provide to the clerk, contemporaneously with the filing of the proof of claim, the notice which is required to be mailed by Fed. R. Bank. P. 3001(e)(2), 3001(e)(3), or 3001(e)(4).

**LR 3002. FILING OF PROOF OF CLAIM.**

(a) Copies and Service. An original and one (1) copy of a proof of claim shall be filed in a chapter 12 or chapter 13 case. In all other cases, an original proof of claim shall be filed. If a creditor wishes to receive a file-stamped copy of such proof of claim, the creditor shall submit an additional copy to be returned to the creditor and if by mail, include a self-addressed, postage paid envelope. The clerk may request additional copies at any time. The creditor shall serve a copy of such proof of claim on debtor's attorney, or on the debtor if the debtor is not represented by an attorney.

(b) Claim arising from rejection of executory contract or unexpired lease. The time for filing a proof of claim arising from the rejection of an executory contract or unexpired lease of the debtor under 11 U.S.C. § 365(d) is fixed at not later than 90 days after the first date set for the meeting of creditors called under 11 U.S.C. § 341(a), unless otherwise ordered by the court.

**LR 3003. FILING PROOF OF CLAIM OR EQUITY INTEREST IN CHAPTER 11 REORGANIZATION CASE.**

Unless otherwise ordered by the court, and as provided by 11 U.S.C. § 502(b)(9), a proof of claim in a chapter 11 case shall be filed within ninety (90) days after the date first set for the meeting of creditors held pursuant to 11 U.S.C. § 341(a). The notice of the order setting the date for the first meeting of creditors shall also provide a bar date for filing claims.

**LR 3004. NOTICE OF FILING OF CLAIMS BY DEBTOR OR TRUSTEE.**

Unless otherwise ordered by the court, the debtor or trustee shall, upon filing of a claim pursuant to Fed. R. Bank. P. 3004, serve notice of the filing of such a claim on all creditors, the debtor and the trustee. The notice of filing shall include a copy of the claim or a statement of the amount and

classification of the claim and the date of filing of the claim by the debtor or trustee.

**LR 3007. CLAIMS - OBJECTIONS.**

(a) Form of objection. An objection to claim is a contested matter governed by LR 9014. In addition, the following procedures shall apply:

(1) The objection must identify the holder of the claim, the amount of the claim and the date the claim was filed;

(2) The objection must contain a statement setting forth the grounds for the objection; and

(3) Unless grounds are stated for objecting to the entire claim, the objection must state the amount of the claim which is not in dispute.

(b) Responses to objection to claims. If an objection to a claim is opposed, a written response must be both filed and served upon the objecting party at least five (5) days prior to the scheduled hearing so that the objecting party has five (5) business days notice of the response.

(c) Hearing on objections. If a written response is not timely filed and served, the objection may be granted by the court without calling the matter and without receiving arguments or evidence. If a response is timely filed and served, the initial hearing may be treated by the court as a status and scheduling hearing.

(d) Bar date for filing objections to claims in chapter 11 cases. Unless otherwise extended by order of the court, all objections to claims in a chapter 11 case must be filed within sixty (60) days after entry of an order confirming a chapter 11 plan.

(e) Objections to claims in chapter 13 cases.

(1) Trustee guidelines for resolution of claim disputes.

(A) Each chapter 13 standing trustee, upon approval of the court, may issue guidelines for the resolution of claim disputes in chapter 13 cases. Unless otherwise ordered by the court, the guidelines prescribed by the trustee must be observed; and

(B) The standing trustees may from time to time revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision.

(2) Copies of guidelines.

(A) Copies of the guidelines shall be available from each trustee upon request; and

(B) Each trustee shall maintain a mailing matrix of all persons requesting copies. Upon any revision, the standing trustee shall mail a copy of the reissued guidelines to each person on the matrix.

**LR 3010. DIVIDENDS - SMALL (Chapter 13 Cases).**

In a Chapter 13 plan, the trustee may disburse funds to creditors receiving a pro rata share distribution regardless of dollar amount.

**LR 3011. UNCLAIMED FUNDS.**

(a) Procedure for requesting payment.

(1) Any entity seeking the payment of unclaimed funds shall file with the clerk a written application on forms prescribed by the clerk and submit the prescribed fee. The applicant shall disclose at a minimum the following:

(A) The service(s) rendered by any asset recovery firm, also known as fund locators;

(B) Any agreement of commission, fees, compensation or reimbursement of expenses; and

(C) The amount(s) requested.

(2) In no event may any commission, fee, compensation or reimbursement of expenses exceed fifty percent (50%) of the claim dividend sought to be recovered. Procedures and forms for the filing of an application shall be available upon request from the clerk.

(b) Order. The clerk shall not process a payment from the unclaimed funds account without receiving a written order of the court and the prescribed fee.

**LR 3015. CHAPTER 13 PLAN AND CONFIRMATION.**

(a) Standard form of chapter 13 plans and orders confirming chapter 13 plans. Upon approval of the court, each chapter 13 standing trustee may issue a form chapter 13 plan and a form order for confirming a chapter 13 plan. Unless otherwise ordered by the court, the format prescribed by the trustee must be observed. The standing trustees may from time to time, upon approval of the court, revise the form plans and orders. When revised, the form plans and orders shall be reissued with a notation of the effective date of the revision.

(b) Chapter 13 plan guidelines. Each chapter 13 standing trustee may issue guidelines for the administration of chapter 13 plans. The guidelines will set forth positions which will generally be followed by the trustee in the administration of plans. The guidelines may also set procedures for the scheduling of confirmation hearings, filing objections to confirmation and submitting orders confirming chapter 13 plans. The standing trustees may from time to time, revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision.

(c) Copies of forms and guidelines. Copies of the form plan, the form order confirming a chapter 13 plan, and guidelines shall be available from each trustee upon request. Each trustee shall maintain a mailing matrix of all persons requesting copies. Upon any revision, the standing trustee shall mail a copy of the reissued plan and guidelines to each person on the matrix.

(d) Extension of Time. Any motion to extend the time to file a plan must be filed within the 15 day time period provided by Fed. R. Bank. P. 3015(b), and any such motion will be set on a hearing date of not less than 10 days notice.

**LR 3016. CHAPTER 11 PLAN AND DISCLOSURE STATEMENTS.**

(a) Filing and hearing. An original plan and three (3) copies shall be submitted in a chapter 11 case. If a chapter 11 plan has not been filed or approved within six (6) months after commencement of the case, the debtor in possession must file a report with the court explaining why a plan has not been filed or approved and setting forth a time frame for filing and hearing the disclosure statement and plan confirmation. Thereafter, the report must be updated on a quarterly basis.

(b) Failure of compliance. Failure to comply with the provisions of this rule may be grounds for conversion or dismissal of the case.

(c) Small business chapter 11 reorganization cases. In a chapter 11 reorganization case, a debtor that qualifies as a small business as defined by 11 U.S.C. § 101(51C) may elect to be considered a small business by filing a written statement of election no later than sixty (60) days after the date of the order for relief pursuant to Fed. R. Bank. P. 1020 or by a later date as the court, for cause, may fix. If an election is made, the procedure for approval of disclosure statements shall be conducted pursuant to Fed. R. Bank. P. 3017.1.

(d) Expedited chapter 11 procedures. Notwithstanding a failure to make an election under Fed. R. Bank. P. 1020 discussed in subsection (c) of this rule, the court may, *sua sponte*, or at the suggestion of or on ex parte motion by the plan proponent, the United States trustee, the trustee, or any party in interest, enter an order in any chapter 11 case implementing expedited confirmation procedures, including but not limited to:

- (1) Early deadlines for submitted plans and disclosure statements;
- (2) Conditional approval of disclosure statements without hearing; and
- (3) Combine a hearing on the conditionally approved disclosure statement and confirmation of plan in a single hearing.

(e) Procedure for requesting conditional approval of disclosure statement. The plan proponent may file an ex parte motion for conditional approval of the disclosure statement, with the hearing on the adequacy of the disclosure statement to be combined with the hearing on confirmation. Such application must be accompanied by a certificate of counsel stating: (1) the circumstances which favor the preliminary approval of the disclosure statement; (2) the total number of creditors, value of assets and amount of claims as reflected in the debtor's schedules; and (3) that the proposed disclosure statement contains the information required by LR 3016(f). The notice regarding hearing on a conditionally approved disclosure statement combined with confirmation of a plan shall make clear that creditors and parties in interest may object to the conditionally approved disclosure statement as permitted by Fed. R. Bank. P. 3017.1.

(f) Contents of disclosure statement. The disclosure statement should include, at a minimum:

- (1) A statement regarding the debtor's background, ownership, and pre-bankruptcy operating and financial history;
  - (2) A discussion of the reason for the bankruptcy filing;
  - (3) A summary of proceedings to date in the bankruptcy case;
  - (4) A summary of assets;
  - (5) A description of unclassified claims, including estimated amounts of administrative and priority claims;
  - (6) A description of claims by class, including an estimate of the amount of claims in each class as reflected by the schedules and proofs of claim on file;
  - (7) A summary of the treatment of unclassified and classified claims under the proposed plan;
  - (8) A summary of the treatment of executory contracts under the proposed plan;
  - (9) A liquidation analysis;
  - (10) A statement as to how the proponent intends to achieve the payments proposed;
- and
- (11) The disclosures required by 11 U.S.C. § 1129(a)(5).

**LR 3018. BALLOTS - VOTING ON PLANS; ACCEPTANCE/REJECTION OF PLANS.**

- (a) Filing of ballot summary. The proponent of a chapter 11 plan shall:
  - (1) File a Certification of Acceptance and Rejection of Chapter 11 Plan (ballot summary) no later than one (1) business day prior to the hearing on confirmation of the plan. The ballot summary must be signed by the plan proponent and must certify to the court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan; and
  - (2) Have all of the original ballots available at the hearing for inspection and review by the court and any interested party.
  - (3) In addition to the above requirements, the presiding judge may order the filing of an amended ballot summary with the original ballots attached thereto.
- (b) Duty of plan proponent. It is the responsibility of the plan proponent:
  - (1) To tabulate the ballots of those accepting and rejecting the plan; and
  - (2) In the event the original ballots are not filed with the court, to maintain those original ballots for a period of not less than one (1) year.

**LR 3019. CHAPTER 11 - AMENDMENTS TO PLANS.**

At the hearing on confirmation of a chapter 11 plan, the court may consider modifications to the plan. Such modifications may be incorporated in the order confirming the plan. Any notice of a confirmation hearing under Fed. R. Bank. P. 2002(b) shall provide notice that such modifications may be considered at the confirmation hearing.

**LR 3020. CHAPTER 11 - CONFIRMATION.**

(a) Order confirming plan. In addition to the requirements of Fed. R. Bank. P. 3020(c), the order confirming a chapter 11 plan shall contain the following provisions:

(1) “Until the entry of the final decree, the debtor shall file with the clerk, not later than 20 days after the end of the calendar quarter which occurs after the entry of this order, and every six (6) months thereafter, a report of the action taken by the reorganized debtor and the progress made toward consummation of the confirmed plan. Said report shall include, at a minimum, the following information:

(A) A schedule of any personal property costing more than \$5,000 and any real property acquired, sold or disposed of since confirmation of the plan and the price paid for each;

(B) A schedule listing each debt, the total amount required to be paid under the plan, the amount required to be paid to date, the amount actually paid to date, and the amount unpaid;

(C) A schedule of executory contracts entered into after plan confirmation;

(D) A statement listing each postpetition tax (i.e., income, payroll, property, sales), and payee and the amount actually paid;

(E) The progress toward completion of the confirmed plan and a list and status of any pending adversary proceedings or motion and resolution expected; and

(F) A statement regarding the status of payment of both pre-confirmation and post confirmation United States trustee quarterly fees.

Pursuant to LR 3022, a final decree may be entered on \_\_\_\_\_.”

(b) Report(s) by debtor required in order confirming plan. Failure to timely file the initial and subsequent reports may constitute cause pursuant to 11 U.S.C. § 1112(b) for conversion to a case under chapter 7 or for dismissal.

**LR 3022. CHAPTER 11 - FINAL REPORT/DECREE.**

Unless otherwise provided in the plan or by order of the court, or there are pending contested matters or adversary proceedings, a case shall be deemed to be fully administered six (6) months after

confirmation of a plan and a final decree may thereafter be entered by the clerk.

**LR 4001. AUTOMATIC STAY - RELIEF FROM; CASH COLLATERAL.**

(a) Motions for relief from automatic stay.

(1) Unless otherwise ordered by the court, hearings on matters under 11 U.S.C. §§ 362(d) and 363(e) shall be held on not less than twenty (20) days notice. Notice of Motion for relief from automatic stay must be served upon any lien holder who has requested notice pursuant to state law.

(2) All motions for relief from the automatic stay shall have attached as Exhibit A a § 362 information sheet, which shall be signed by counsel and/or the moving party. All pleadings or papers shall contain a motion control number assigned by the clerk.

(3) It shall be the duty of the party seeking relief from the automatic stay to set a hearing within thirty (30) days of the filing of the motion. Failure to do so shall be deemed a waiver of 11 U.S.C. § 362(e). Any stipulation to continue such motion, or any continuance sought by the moving party, shall, unless otherwise ordered by the court, constitute a waiver of the provisions of 11 U.S.C. § 362(e). Any opposition must be in conformance to LR 9014.

(4) Unless otherwise ordered by the court, a properly completed § 362 information sheet will satisfy the requirements for a statement of facts and legal memorandum in cases under chapters 7 and 13.

(5) Motions for relief from stay will not be considered unless moving counsel certifies that an attempt has been made to confer with debtor(s)' counsel, or with debtor(s) if in proper person, no later than two (2) business days prior to the filing of the motion, and that after sincere effort to do so, counsel has been unable to resolve the matter without court action. Said certification will be set forth in the § 362 information sheet.

(b) Motions for use of cash collateral or to obtain credit. Motions for use of cash collateral or to obtain credit to be heard on less than twenty (20) days notice shall be accompanied by affidavits of the moving party setting forth the nature and extent of the immediate and irreparable harm which will result in the event the request is not granted and will conform with the requirements to obtain an order shortening time in conformity to LR 9006.

(c) Motion for interim orders or approval of agreements. Motions for orders under Fed. R. Bank. P. 4001(d) or approval to pay or honor pre-petition debts or transactions shall state with particularity the magnitude of the proposed transaction involving property of the estate and its impact upon unsecured creditors of the estate. Where the debtor seeks to pay pre-petition obligations, the motion shall identify the relative priority of the claim as if it were not paid. All orders approving interim transactions must contain the following provision: "PAYMENTS AUTHORIZED BY THIS ORDER ARE NOT EXEMPT FROM SUBSEQUENT OPERATION OF 11 U.S.C. §§ 547, 548, 549 and 550."

**LR 4003. EXEMPTIONS.**

(a) Objection to exemptions. Objections to exemptions must specifically state the grounds supporting the objection.

(b) Hearing. The objecting party shall set a hearing on not less than twenty (20) days notice to the debtor, the debtor's attorney, and the trustee, or the United States trustee in a chapter 11 case.

**LR 4004. DISCHARGE - NOTICE.**

The debtor or debtor's attorney shall serve by mail the trustee, all creditors and other parties in interest a copy of the Order of Discharge of Debtor within ten (10) days after the entry of the Discharge of Debtor. Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

**LR 4007. DETERMINATION OF DISCHARGEABILITY OF A DEBT.**

(a) Form order setting deadline for filing a complaint pursuant to 11 U.S.C. § 523(c) and Fed. R. Bank. P. 4007(d). When the debtor or debtor's attorney submits a motion for a hardship discharge under 11 U.S.C. § 1328(b) pursuant to Fed. R. Bank. P. 4007(d), the debtor or debtor's attorney shall also submit a form order fixing a time for the filing of a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c).

(b) Notice of deadline for filing a complaint pursuant to 11 U.S.C. § 523(c). The debtor or debtor's attorney shall give the notice required by Fed. R. Bank. P. 4007(d) within ten (10) days after the entry of the order fixing a time for the filing of a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c). Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

**LR 5001. CLERK - OFFICE LOCATION/HOURS.**

(a) Clerk's office. The clerk of the court shall maintain offices at Las Vegas for the Southern Division and at Reno for the Northern division of the court, which offices shall be open for public transaction of business from 9:00 a.m. until 4:00 p.m., Monday through Friday of each week, legal holidays excepted. The clerk may institute administrative procedures for filing pleadings and papers; and, in an emergency, shall on request transact public business at other times as may from time to time be necessary. The mailing address and location of the office of the clerk is:

(1) Southern Division:

Clerk, U.S. Bankruptcy Court  
The Foley Federal Building  
300 Las Vegas Blvd. South, Room 2130  
Las Vegas, Nevada 89101

(2) Northern Division:

Clerk, U.S. Bankruptcy Court  
The C. Clifton Young Federal Building  
and U.S. Courthouse  
300 Booth Street, Room 1109  
Reno, Nevada 89509



**LR 5003. COURT PAPERS - REMOVAL OF; CLAIMS - REGISTER.**

(a) Files and records. All files and records of the court shall remain in the custody of the clerk, and no record or paper belonging to the files of the court shall be taken from the custody of the clerk without written permission of the court and then only after a receipt has been signed by the person obtaining the record or paper.

(b) Exhibits.

(1) The clerk shall have custody of all exhibits marked for identification or admitted into evidence during any proceeding.

(2) The court may order original exhibits to be returned to the party who offered the same upon the filing of true copies thereof in place of the originals.

(3) Unless otherwise ordered by the court, the clerk shall retain custody of the exhibits until the judgment has become final and after the time for filing a notice of appeal and motion for a new trial has passed, or appeal proceedings have been terminated.

(4) Upon the expiration of the time to take an appeal from any appealable order or judgment, any party may, upon twenty (20) days prior written notice to all parties, withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit. If such notice of claim is filed, the clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant, or until the court has determined the person entitled thereto.

(5) Upon the expiration of the time to take an appeal from any appealable order or judgment, the clerk may, upon twenty (20) days notice, destroy any exhibit not claimed by the parties. If no timely request is made for the return of the exhibits, the clerk may destroy or make other disposition of the exhibits upon the closing of the case.

(c) Claims register. Unless otherwise ordered by the court, when it appears that there will be a distribution to creditors, the debtor in possession or the trustee shall prepare or make arrangements for the preparation of the claims register required by Fed. R. Bank. P. 5003(b). The clerk shall verify that the Proofs of Claims filed in a case file have been correctly docketed after completion of the claims register by a trustee.

**LR 5004. DISQUALIFICATION: DISCLOSURE OF INTERESTED PARTIES/AFFILIATES.**

(a) Unless otherwise ordered, in all cases except habeas corpus cases, counsel for private (non-governmental) parties shall upon entering the case file a certificate listing all persons, associations of persons, firms, partnerships or corporations known to have an interest in the outcome of the case including the names of all parent, subsidiary, affiliate and/or insider of the named non-individual parties, as follows:

“Number and Caption of Case  
Certificate Required by LR 5004

The undersigned, counsel of record for \_\_\_\_\_,  
certifies that the following have an interest in the  
outcome of this case: (here list the names of all such  
parties including the names of all parent, subsidiary, affiliate, and/or insider  
of the named non-individual parties, and identify their interests).

These representations are made to enable  
judges of the court to evaluate possible recusal.  
Attorney of Record for \_\_\_\_\_.”

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this rule.

(c) There is a continuing obligation to supplement in accordance with the provisions of this rule.

#### **LR 5005. FILING PAPERS - REQUIREMENTS.**

Cases shall be filed with the clerk of the United States Bankruptcy Court for the District of Nevada at Las Vegas or Reno in accordance with LR 1071. Once filed, cases shall be administered, papers and pleadings docketed, and files retained in the place the case was filed unless the court orders otherwise.

#### **LR 5007. RECORD OF PROCEEDINGS AND TRANSCRIPTS.**

Any party ordering transcripts of proceedings will give five (5) days advance notice to the Clerk of the need for daily transcripts.

#### **LR 5010. REOPENING CASES.**

(a) Disclosure of payment or non-payment of fees. The debtor or other movant filing a motion or requesting to reopen a bankruptcy case, shall disclose the payment or non-payment of any fee owing in the originally filed bankruptcy case, including any filing fee and/or administrative fee prescribed by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States.

(b) Payment of fees. Unless otherwise ordered by the court, the debtor or other movant shall pay any and all filing and administrative fees due to the clerk, including any fees remaining unpaid for the original bankruptcy case as required by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States. Payment of such fees are due immediately upon the filing of the motion or request to reopen a bankruptcy case.

#### **LR 5011. WITHDRAWAL OF REFERENCE.**

(a) Form of request; place for filing. A request for withdrawal in whole or in part of the reference of a case or proceeding referred to the bankruptcy judge, other than a *sua sponte* request by the bankruptcy judge or the automatic withdrawal as provided in a jury case by LR 9015(e), shall be by motion filed timely with the clerk of the bankruptcy court. All such motions shall clearly and

conspicuously state that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE.”

(b) Time for filing. Except as provided in these rules regarding adversary proceedings and contested matters, a motion to withdraw reference of a bankruptcy case in whole or in part shall be served and filed at or before the time first scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a). Except as provided in these rules as to contested matters, a motion to withdraw reference of an adversary proceeding, in whole or in part, shall be served and filed on or before the date on which an answer, reply or motion under Fed. R. Bank. P. 7012 or 7015 is first due. A stipulation to extend the time to answer or otherwise respond to the complaint does not extend the time for filing the motion for withdrawal. A motion to withdraw the reference of a contested matter within a case shall be served and filed not later than eleven (11) days after service of the motion, application or objection which initiates the contested matter. Notwithstanding the foregoing, a motion to withdraw the reference may be served and filed no later than eleven (11) days after service of any timely filed pleading in which the basis for the motion first arises.

(c) Stay. The filing of a motion to withdraw the reference does not stay any proceeding in United States Bankruptcy Court, and Fed. R. Bank. P. 8005 governs.

(d) Designation of record.

(1) The moving party shall serve and file, together with the motion to withdraw reference, a designation of those portions of the record of the proceedings in bankruptcy court that the moving party believes will reasonably be necessary or pertinent to the district court's consideration of the motion. Within eleven (11) days after service of such designation of record, any other party may serve and file a designation of additional portions of the record.

(2) The original pleadings shall remain in the custody of the bankruptcy court, unless an order from a bankruptcy judge or a district court judge directs the original, official case/adversary file documents to be forwarded to the district court.

(3) Unless otherwise required by the bankruptcy court or the district court, a reproduction of pleadings from the court's official case/adversary file, as designated, shall be transmitted to the district court.

(4) The clerk of the bankruptcy court shall request copies to be provided from the party or parties designating the record pursuant to LR 5011(d)(1) and (d)(5). The copies shall be tendered to the clerk in chronological order within ten (10) days from the date of the request by the clerk. If any party fails to provide the clerk with copies of designated items within ten (10) days from the date of the request by the clerk, the clerk may make copies at the expense of the designating party. All parties shall take any other action necessary to enable the clerk to assemble and transmit the record.

(5) If the record designated by any party includes a transcript of any proceeding or a part thereof, that party shall immediately after filing the designation, deliver to the court recorder and file with the clerk of the bankruptcy court a written request for the transcript and make satisfactory arrangements for payment of its cost. The parties shall submit only that part(s) of a transcript of proceedings relevant to the issues raised on the motion for withdrawal of reference.

(6) If the issues involve only questions of law, the parties may submit an agreed statement of facts or such part(s) of the record as are relevant to such questions of law, unless the district judge considering the motion directs otherwise.

(e) Responses to motion to withdraw the reference; reply. Opposing parties shall file with the clerk of the bankruptcy court, and serve on all parties to the withdrawal of reference matter, their written opposition to the motion to withdraw the reference within eleven (11) days after service of the motion. The moving party may serve and file a reply within eleven (11) days after service of a response. The parties to any motion to withdraw reference may consent to the bankruptcy judge hearing the motion in the first instance and making proposed findings of fact, conclusions of law, and recommendations for disposition of the motion by the district court. Consent must be in writing and filed with the clerk of the bankruptcy court no later than the last day for filing any opposition to the motion to withdraw reference.

(f) Transmittal to and proceedings in United States District Court. When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the clerk of the bankruptcy court shall promptly transmit to the clerk of the district court the motion papers and the portions of the record designated. After the opening of a docket in district court, documents pertaining to the matter under review by the district court shall be filed with the clerk of the district court, but all documents relating to other matters in the bankruptcy case, adversary proceeding or contested matter shall continue to be filed with the clerk of the bankruptcy court. Any motion and any *sua sponte* request by the bankruptcy judge to withdraw the reference shall be referred to the Chief District Judge or the Chief District Judge's designee in the district court for decision, but if the matter is withdrawn it shall be assigned to a district judge in accordance with the court's usual system for assigning civil cases, unless the Chief District Judge determines that exceptional circumstances warrant special assignment to a district judge. Upon request of the district court, the bankruptcy judge shall determine, pursuant to 28 U.S.C. § 157(b)(3), whether or not any proceeding, as to which withdrawal of the reference is sought in whole or in part, is a core proceeding and may make findings and recommendations. The district court may, in its discretion, grant or deny the motion to withdraw reference, in whole or in part. After withdrawal, the district court may retain the entire matter withdrawn, or may refer part or all of it back to the bankruptcy judge with or without instructions for further proceedings.

#### **LR 5075. CLERK - DELEGATED FUNCTIONS.**

(a) United States Bankruptcy Court Clerk.

(1) Powers and duties delegated to the clerk. The clerk of the bankruptcy court shall have the same rights and powers, shall perform the same functions and duties and shall be subject to the same provisions of 28 U.S.C. § 751 as a clerk of the district court. Pursuant to the provisions of 28 U.S.C. § 956, the judges of this court further assign the following powers and duties to the clerk of the bankruptcy court:

(A) Assignment of cases and proceedings commenced under Title 11, United States Code, in accordance with the provisions of 28 U.S.C. § 157; including the re-assignment of a case to another bankruptcy judge of the district, upon the oral or written directive of the judge assigned to the case; and

(B) Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure as modified by the Federal Rules of Bankruptcy Procedure. If the Federal Rules of Bankruptcy Procedure direct the performance of a duty by the court of the same type delegated to a clerk in the Federal Rules of Civil Procedure, the clerk of the bankruptcy court shall hereafter perform such duties.

(2) Specific duties assigned to the clerk. Unless otherwise ordered by the court, the

clerk is authorized to sign and enter without further direction the following orders which are deemed to be of a ministerial nature:

- (A) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;
- (B) Orders on consent:
  - (i) Noting satisfaction of a judgment,
  - (ii) Approving and annulling bonds filed or to be released pursuant to court order and exonerating sureties, or
  - (iii) Setting aside a default;
- (C) Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders which fix the last dates for the filing of objections to discharge and confirmations of plans, complaints to determine the dischargeability of debts and proofs of claim;
- (D) Orders and notices regarding duties of debtors and debtors in possession;
- (E) Discharge of debtor in a chapter 7 case in which there is not a pending motion to dismiss under 11 U.S.C. § 707(b) and in which there has not been a timely filed objection to discharge of the debtor nor a waiver by the debtor of the debtor's discharge. Discharges granted by the court following a hearing of a motion to dismiss under 11 U.S.C. § 707(b) or a trial on objections to the discharge will be signed only by the judge;
- (F) Discharge of a debtor in a chapter 13 case as provided in 11 U.S.C. § 1328 in which there has not been a timely filed objection to discharge of the debtor nor a waiver by the debtor of the debtor's discharge. Discharges granted by the court following trial on objections thereto will be signed only by the judge;
- (G) Order of Substitution upon the filing of an Assignment of Claim, after due notice to the Assignor of the filing of the Assignment of Claim;
- (H) Order sustaining Trustee's Objection to Claims, after notice and hearing, where no written response to the objection has been filed by or on behalf of the claimant and where no appearance at the hearing to consider the objections was made by or on behalf of the claimant;
- (I) Orders approving the final fees and expenses of the trustee in a chapter 7 case with estates of \$1,500 or less; and in cases with estates over \$1,500, after notice and hearing, where no timely objection was made to the final fees and expenses;
- (J) Orders of Abandonment, after notice and hearing pursuant to 11 U.S.C. §§ 102(1) and 554(a) and (b) and pursuant to Fed. R. Bank. P. 6007. When an objection to a proposed abandonment has been filed, only a judge may sign the order approving or disapproving said abandonment;
- (K) Orders closing cases and discharging the trustee in all cases in which the

trustee has filed a final account and certified that the case has been fully administered pursuant to Fed. R. Bank. P. 5009, and entering final decrees in chapter 11 cases pursuant to Fed. R. Bank. P. 3022;

(L) When ordered by the court in the particular case or in all cases assigned to a particular judge, orders under LR IA 10-2 granting permission to an attorney to practice in a particular case, and orders under LR IA 10-4;

(M) All motions and applications of the type specified in Fed. R. Civ. P. 77(c);

(N) Orders permitting the payment of filing fees in installments and fixing the number, amount and date of payment of each installment filed pursuant to LR 1006, which provide that an initial payment of no less than fifty dollars (\$50) shall be made within forty-eight (48) hours of the filing of the petition, a second payment of no less than fifty dollars (\$50) shall be made within thirty (30) days after the filing of the petition, and the balance of the filing fee shall be paid within sixty (60) days after the filing of the petition. Any application requesting payments to be made in a different manner or any request for an extension of time greater than the stated sixty (60) day period or a request which is received after entry of the first order entered by the clerk shall be in writing and will be considered only by a judge;

(O) Orders reopening bankruptcy cases for administrative purposes;

(P) Orders authorizing examinations to be taken under Fed. R. Bank. P. 2004 upon not less than ten (10) business days notice, with the exception of Fed. R. Bank. P. 2004(d), which orders shall be signed by the court;

(Q) Reaffirmation orders under 11 U.S.C. § 524(c) where the debtor is represented by an attorney which have been approved by the court after notice and hearing;

(R) Orders approving motions to allow claims submitted in chapter 13 cases wherein no prior objection to claims have been filed;

(S) Orders withdrawing exhibits under LR 5003;

(T) Orders on stipulations satisfying judgments, noting satisfaction of orders for the payment of money, or withdrawing stipulations, or annulling bonds, or exonerating sureties, or setting aside defaults;

(U) Judgments on verdicts or decisions of the court in circumstances authorized in Fed. R. Civ. P. 58;

(V) When parties file with the clerk a written stipulation for an extension of time to answer, plead or otherwise move and no such prior extension has been granted which shall affirmatively appear in the stipulation, orders granting the stipulated extension for a period not exceeding thirty (30) days by endorsement upon the stipulation;

(W) Orders to assess, deduct and withdraw a fee from the court's registry account pursuant to 28 U.S.C. §§ 2041 and 2042 and LR 7067(i). The collection of said fee shall be made at the time any distribution of funds is made by the clerk, or whenever it is the clerk's customary, accounting practice to assess, deduct and collect such fee. The amount of the fee shall be ten percent

(10%) of the income earned, or such other fee as prescribed by the Judicial Conference of the United States and set by the Director of the Administrative Office;

(X) Conditional orders of dismissal of cases for failure of debtor(s) to comply with Fed. R. Bank. P. 1007 and Fed. R. Bank. P. 3015(b); and

(Y) Any other orders which under applicable rule or statute do not require special direction by the court.

(3) Limitation of clerk's powers and duties. Any action taken by the clerk in connection with the powers and duties herein specified may be suspended or rescinded by a judge upon good cause shown.

(b) Standing of the clerk and deputy clerks. The clerk and deputy clerks of this court are authorized to issue notices or Orders to Show Cause for failure of a party to comply with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these local rules and/or any order of this court.

#### **LR 6006. EXECUTORY CONTRACTS.**

Unless otherwise directed by the court, the movant shall give notice of a proposed assumption, rejection and assignment of executory contract(s) and unexpired lease(s) to those parties who have requested special notice, as well as to all parties to the contract or lease.

#### **LR 6007. ABANDONMENT.**

Unless otherwise directed by the court, the party proposing abandonment or other disposition of property shall serve notice to those parties who have requested special notice, as well as to any party having a special relationship to the property.

#### **LR 7003. COVER SHEET.**

Every adversary proceeding filed in bankruptcy court shall be accompanied by a properly completed bankruptcy adversary proceeding cover sheet, Form B 104.

#### **LR 7005. CERTIFICATE OF SERVICE (Adversary Proceedings).**

(a) Proof of service. Proof of service of all papers and pleadings required or permitted to be served shall be filed with the clerk. The proof shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service, by certificate of a member of the bar of this court, by affidavit of the person who served the papers, or by any other proof satisfactory to the court.

(b) Failure to file proof of service. The court may refuse to take action on any papers or pleadings until proof of service is filed. If an affidavit or certificate of service is attached to the original pleading, it shall be attached the same so that the character of the pleading is easily discernible. Failure to make the proof of service required by this rule does not affect the validity of the service, and the court

may at any time allow the proof of service to be amended or supplied unless it clearly appears that to do so would result in material prejudice to the substantial rights of any party.

**LR 7010. GENERAL REQUIREMENTS OF FORM.**

(a) Form of papers. After notice and hearing, any paper or pleading filed which does not conform to an applicable provision of these rules or any Federal Rule of Bankruptcy Procedure may be stricken by the court on its own motion. Whenever the individual number of plaintiffs or defendants contained in the caption of a complaint or third party complaint exceeds five (5), it shall be the responsibility of the party filing said complaint or third party complaint to provide to the clerk contemporaneously therewith two (2) copies of an alphabetical list of the parties.

(b) Caption, title of court and name of case. In addition to the requirements of LR 9004, the caption shall include the caption of the adversary proceeding as well as the caption of the case, including the adversary proceeding number assigned to the case. If a scheduling conference has been set, the complaint and answer should indicate that date in the space for hearing date and time. Such requirement is illustrated as follows:

UNITED STATES BANKRUPTCY COURT	
DISTRICT OF NEVADA	
IN RE:	) BK-S-95-000123-LBR
	) CHAPTER 7
JOHN DOE,	)
	) ADVERSARY NO: BK-S-952001-LBR
Debtor	)
_____	)
	)
JOHN DOE,	) DEFENDANT'S ANSWER TO
	) COMPLAINT TO DETERMINE
Plaintiff,	) DISCHARGEABILITY OF DEBT
	)
RICHARD ROE,	)
	) Hearing Date (Status Conf): _____
Defendant,	) Hearing Time: _____
_____	) Estimated Time: _____

(c) Copies. The clerk of the court shall maintain a list of copy requirements which will specify the minimal number of copies to be submitted for filing. The clerk of the court may from time to time revise the list of copy requirements. When revised, the list of copy requirements shall be reissued in full with a notation of the effective date of the revision. Copies of the list of copy requirements shall be available from the clerk of the court upon request, and shall be posted on the court's web site at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov).

(1) Unless otherwise required, counsel or persons appearing *in pro se* shall submit for filing the original and the number of copies indicated in the clerk of the court's list of copy requirements of all pleadings, summons, orders and other papers; and

(2) In the event counsel or persons appearing *in pro se* desire to receive a file



stamped copy of any pleading or other paper presented for filing, counsel or persons appearing *in pro se* must submit one (1) additional copy; and if by mail, include a self-addressed, postage paid envelope.

(d) In camera submissions.

(1) Papers submitted for the court's *in camera* inspection shall be accompanied by a captioned cover sheet complying with subsection (a) of these rules indicating that it is being submitted *in camera*. Counsel shall provide to the court, an envelope of sufficient size into which the *in camera* papers can be sealed without being folded. Counsel shall be permitted to tender to the clerk papers *in camera* without a prior court order authorizing same.

(2) The court will review the *in camera* submission and enter an appropriate order directing that it be filed under seal, be made part of the official public file, or be permitted to be withdrawn.

(3) In the event the court orders such *in camera* submission to be sealed, the moving party shall submit an order in compliance with LR 9022, which order shall be docketed with the clerk of the court.

**LR 7015. AMENDED AND SUPPLEMENTAL PLEADINGS.**

(a) Any motion to amend the pleadings shall include a copy of the proposed amended pleading attached to the motion. Unless otherwise permitted by the court, every amended pleading must be reprinted and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading.

(b) If the motion is granted, the moving party has ten (10) days from the entry of the order approving the motion to file and serve an original amended pleading.

**LR 7016. PRE-TRIAL PROCEDURES.**

(a) Actions exempted from scheduling order. Except as ordered by the court, the following categories of cases are exempt from the requirements of Fed. R. Civ. P. 16(b) as adopted by Fed. R. Bank. P. 7016(b):

- (1) Contested matters under Fed. R. Bank. P. 9014; and
- (2) Such other actions or category of actions as ordered by the court from time to time.

(b) Time and issuance for scheduling order.

(1) At the time a summons is issued, the clerk shall provide a blank "Standard Discovery Plan/Scheduling Order" form, which document shall be served by the plaintiff with the summons. Such standard form, which may be changed from time to time by the court, shall be used by the parties.

- (2) Within thirty (30) days after the first defendant has answered or otherwise

appeared the parties shall meet as required by Fed. R. Bank. P. 7026 and LR 7026. No later than fourteen (14) days after such meeting, the parties shall complete and submit the information required by the Discovery Plan or Request for Waiver of Filing Discovery Plan (“Discovery Plan”).

(3) If the parties agree to the standard deadlines or fail to submit the Discovery Plan, the standard deadlines shall govern the course of the proceedings.

(4) If the parties have agreed to different deadlines, cannot agree as to deadlines, or wish to seek a waiver of the requirement for a discovery plan, they shall so indicate on the front page of the Discovery Plan.

(5) The parties shall appear, unless excused, at any scheduling conference.

(6) The court shall approve, disapprove, or modify the discovery plan and enter such other orders as may be appropriate following the first scheduling conference. The court shall also issue an Order Regarding Pretrial and Trial following the scheduling conference. At any time, the court may order a status hearing or a conference of all the parties.

(c) Time limits for filing certain motions. Unless otherwise ordered by the court in the Standard Discovery Plan/Scheduling Order or otherwise, the following time periods shall govern the filing of certain motions:

(1) All motions to amend the pleadings pursuant to Fed. R. Bank. P. 7015(a) or for the joinder of parties shall be filed so as to be heard no later than the close of discovery. If such amendment or joinder is allowed, and unless otherwise ordered by the court, discovery shall be extended for forty-five (45) additional days for the limited purposes of conducting discovery with respect to such amendments or joinders;

(2) All potentially dispositive motions as to any or all issues shall be filed by the close of discovery unless otherwise ordered; and

(3) Motions *in limine* shall be filed at the time of the pretrial conference and any responses thereto shall be filed five (5) business days prior to the start of trial. No reply will be permitted unless requested by the court.

(d) Pretrial order and trial setting.

(1) The Order Regarding Pretrial and Trial may set the date for the filing of a joint or separate trial statement(s). The court may, however, order the filing of a joint pretrial order at any time. Unless otherwise ordered, the parties shall use the standard Trial Statement which form may be obtained from the clerk and may be changed from time to time by the court.

(2) The court may set a trial date in the Order Regarding Pretrial and Trial or by separate written or oral order. Continuances will not be favored.

(e) Form of pretrial order. Unless otherwise ordered by the court, counsel shall use the form of Pretrial Order prescribed by the court.

(f) Settlement conference and alternative methods of dispute resolution. The court may, in its discretion, set any appropriate adversary proceeding for settlement conference, summary jury trial or

other alternative method of dispute resolution.

## **LR 7026. DISCOVERY - GENERAL.**

(a) Disclosures. Unless otherwise ordered by the court, the disclosures required by Fed. R. Civ. P. 26(a)(2), as adopted by Fed. R. Bank. P. 7026, shall be made no later than thirty (30) days prior to the close of discovery by the party bearing the burden of proof on the issue in question and no later than fifteen (15) days prior to the close of discovery by the party opposing such issue. Written reports by experts, unless otherwise stipulated by the parties or ordered by the court, are due no later than the time the identity of experts is to be disclosed.

(b) Exemptions from the provisions of Fed. R. Civ. P. 26(f).

(1) Exemption of an action, not otherwise exempted by Fed. R. Civ. P. 26(a)(1)(E), may be obtained by order of the court after motion noticed to all parties to the action or by stipulation of all parties prior to the date any meeting under this rule is to be held.

(2) The parties obtaining an exemption pursuant to subsection (b)(1) of this rule are exempt from filing a discovery plan.

(3) LR 7016 and 7026(c) govern the requirements pertaining to discovery plans. The parties to an action not exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to subsection (b)(1) of this rule may seek a limited exemption from Fed. R. Civ. P. 26(f) insofar as the rule requires the filing of a discovery plan. The parties may request a waiver of the requirement that a discovery plan be submitted under the following conditions:

(A) In cases in which the parties certify that no formal discovery is required;

(B) Trial may proceed within one hundred twenty (120) days from the date a discovery plan would otherwise be due; and

(C) Such waiver shall be sought by so indicating on the standard discovery plan/scheduling form and by the completion of all information requested on that form.

(c) Discovery conference and plan.

(1) Unless exempted, the parties shall meet and confer no later than thirty (30) days after the first defendant has answered or otherwise appeared.

(2) No later than fourteen (14) days after such meeting, the parties shall submit the Discovery Plan or Request for Waiver and Order. If the parties fail to submit a Discovery Plan they may be subject to sanctions. In addition, if they have not requested and been granted a waiver from the requirement to file a Discovery Plan, the deadlines set forth in the standard form shall apply, notwithstanding the failure of the parties to submit a plan.

(3) The court may conduct a scheduling conference to consider the submitted Discovery Plan and to issue an Order Regarding Pretrial and Trial.

(4) The court may, from time to time, alter such standard form, including without

limitation, the deadlines contained therein. Counsel shall use the format then in use and the deadlines set forth in such standard form shall apply unless the court orders other, or different, deadlines.

(5) If the parties agree to different deadlines, or cannot agree to deadlines, they shall so indicate on the face of the standard discovery plan/scheduling form and shall attach their proposed plan using Form 35 to the Federal Rules of Civil Procedure or such other form as the court may from time to time direct.

(d) Discovery limitations.

(1) Unless otherwise ordered by the court, all discovery must be commenced in time to be completed by one hundred twenty (120) days after the answer or first appearance by the first defendant in cases in which a discovery plan is required.

(2) Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to subsection (b)(1) of this rule may commence discovery upon the commencement of the action.

(3) The court shall approve, disapprove, or modify the Discovery Plan and enter such other orders as may be appropriate following the first scheduling conference. At any time, including upon request of a party, the court may order a conference of all the parties in order to discuss the provisions of the Discovery Plan or scheduling order.

(e) Extension of discovery time.

(1) Unless otherwise ordered by the court, an extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. All motions or stipulations to extend discovery shall be received by the court at least twenty (20) days prior to the date fixed for completion of discovery, or at least twenty (20) days prior to the date of expiration of any extension thereof that may have been approved by the court. Such motion or stipulation and any motion or stipulation to reopen discovery shall include:

(A) A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;

(B) A specific description of the discovery which remains to be completed;

(C) The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline plan; and

(D) A proposed schedule for the completion of all remaining discovery.

(2) It is the responsibility of counsel to ensure that all discovery is initiated so as to be completed by the expiration of the period set out in the Discovery Plan. No additional discovery shall be permitted thereafter except as provided herein.

(f) Demand for prior discovery. Whenever a party makes a written demand for discovery which took place prior to the time that person or entity became a party to the action, each party who has previously responded to a request for admission or production or answered interrogatories shall furnish to the demanding party the documents in which the discovery responses in question are contained for

inspecting and copying or a list identifying each such document by title, and upon further demand shall furnish to the demanding party at the expense of the demanding party, a copy of any listed discovery response specified in the demand; or, in the case of requests for production, shall make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition shall make a copy of the transcript available to the demanding party for copying at the latter's expense.

(g) Discovery motions.

(1) All motions to compel discovery or for protective orders shall, in addition to the discovery being sought or enjoined in the motion, set forth in full the text of the discovery originally sought or enjoined and the response made thereto, if any, and comply with Fed. R. Civ. P. 26(c), as adopted by Fed. R. Bank. P. 7026, in all respects.

(2) Discovery motions will not be considered unless a statement of moving counsel is attached thereto certifying that, after personal consultation and sincere effort to do so, counsel have been unable to resolve the matter without court action.

(3) Any attorney or party appearing *in pro se* may make written application to, or, where time does not permit, make contact by telephoning the court, and request judicial assistance in resolving an emergency discovery dispute. The attorney or party seeking emergency relief shall endorse on the face of any written application the words "Request for Emergency Relief."

(h) Filing of discovery papers. Unless filing is ordered by the court on motion or upon its own motion, notices of deposition, depositions, interrogatories, requests for production or inspection, requests for documents, requests for admissions, answers and responses thereto and proof of service thereof shall not be filed with the court. Originals of responses to requests for admissions or production and answers to interrogatories shall be served upon the party who made the request or propounded the interrogatories and that party shall make such originals available at the time of any pretrial hearing or at trial for use by any party. Likewise, the deposing party shall make the original transcript of a deposition available at the time of any pretrial hearing or at trial for use by any party or filing with the court if so ordered.

(i) Contested matters under Fed. R. Bank. P. 9014. Unless otherwise ordered by the court, Fed. R. Bank. P. 7026 and LR 7026 shall not apply to contested matters filed under Fed. R. Bank. P. 9014.

**LR 7030. DEPOSITIONS UPON ORAL EXAMINATION.**

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Commencement of discovery by deposition.

(1) Depositions may be taken without leave of court in an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) of this rule unless the plaintiff in such an adversary proceeding seeks to take a deposition prior to the expiration of thirty (30) days after service of the summons and complaint. If, however, a defendant in such an adversary proceeding has

served a notice of taking deposition or otherwise sought discovery, leave of court is not required.

(2) Depositions may be taken without leave of court unless the party in an adversary proceeding seeks to take a deposition prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions shall be recorded by stenographic means.

#### **LR 7031. DEPOSITION UPON WRITTEN QUESTIONS.**

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Commencement of discovery by deposition upon written questions. Except as provided in Fed. R. Civ. P. 31(a)(2)(B):

(1) After commencement of an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may take the testimony of any person, including a party, by deposition upon written questions.

(2) Depositions may be taken upon written questions without leave of court unless the party in an adversary proceeding seeks to take a deposition prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions shall be recorded by stenographic means.

#### **LR 7032. USE OF DEPOSITIONS IN ADVERSARY PROCEEDINGS.**

Unless the court orders otherwise, deposition testimony shall be offered by stenographic means.

#### **LR 7033. INTERROGATORIES TO PARTIES.**

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Number of interrogatories permitted; commencement of discovery by interrogatories.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party to such an action may serve upon any other party interrogatories not exceeding twenty-five (25) in number, including all discrete subparts, after commencement of the action. A defendant in an adversary proceeding shall not, however, be required to serve answers or objections to interrogatories before the expiration of forty-five (45) days after service of the summons and complaint upon the defendant.

(2) Interrogatories may be served pursuant to Fed. R. Civ. P. 33 without leave of court unless the party in an adversary proceeding seeks to serve interrogatories prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

**LR 7034. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES.**

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Requests for production or inspection.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may serve upon any other party a request for production or inspection after commencement of such action. A defendant in an adversary proceeding shall not, however, be required to respond before the expiration of forty-five (45) days after service of the summons and complaint.

(2) Requests for production or inspection may be served pursuant to Fed. R. Civ. P. 34 without leave of court unless the party in an adversary proceeding seeks to request production or inspection prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Responses to discovery sought. All responses to discovery sought shall, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

**LR 7035. PHYSICAL AND MENTAL EXAMINATIONS OF PERSONS.**

Whenever a party in the pleadings filed with the court places any party's present, past or future physical or mental condition in issue, that party may not prevent discovery of information concerning such physical or mental condition or prior history related thereto by asserting any physician-patient privilege provided by state law against discovery or information concerning such physical or mental condition or prior history directly related thereto.

**LR 7036. REQUESTS FOR ADMISSION.**

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Requests for admissions.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may serve upon any other party a request for admission after commencement of such action. A defendant in an adversary proceeding shall not, however, be required to serve answers or objections to requests for

admissions before the expiration of forty-five (45) days after service of the summons and complaint upon the defendant.

(2) Requests for admission may be served pursuant to Fed. R. Civ. P. 36 without leave of court unless the party in an adversary proceeding seeks to request admission prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

#### **LR 7041. DISMISSAL FOR WANT OF PROSECUTION.**

Any proceeding which has been pending in this court for more than one (1) year without any activity of record may, after notice, be dismissed for want of prosecution on motion of counsel, any party, or by the court.

#### **LR 7054. COSTS - TAXATION/PAYMENT.**

(a) Costs and attorneys' fees in general.

(1) Unless otherwise ordered by the court, the prevailing party may be entitled to reasonable costs. A prevailing party who claims such costs shall, not later than ten (10) days after the date of entry of the decree or judgment, serve on the attorney for the adverse party or upon an *in pro se* adversary party and file with the clerk on a form provided by the clerk a bill of costs and disbursements. Cross reference 28 U.S.C. §§ 1920, 1921 and 1923; and Fed. R. Civ. P. 54(d).

(2) Such bill of costs shall be verified as required by 28 U.S.C. § 1924, shall distinctly set forth each item thereof so that the nature of the charge can be readily understood, and shall state that the items are correct and that the services have been actually and necessarily performed and the disbursements have been necessarily incurred in the action or proceeding. An itemization and, where available, documentation of requested costs in all categories must be attached to the bill of costs.

(3) The clerk shall tax the costs not later than ten (10) days after the filing of objections or the time within which such objections may be filed has passed.

(b) Fees of clerk, marshal, process server and docket. Fees allowable by statute are clerk's fees pursuant to 28 U.S.C. § 1920; docket fees pursuant to 28 U.S.C. § 1923; and, marshal's fees pursuant to 28 U.S.C. § 1921. Fees of authorized process servers are ordinarily taxable.

(c) Fees incident to transcripts, trial transcripts. The cost of the original of a trial transcript, including a daily transcript, and of a transcript of matters occurring prior or subsequent to trial which is furnished to the court is taxable when either requested by the court or prepared pursuant to stipulation approved by the court. Mere acceptance by the court does not constitute a request. Copies of transcripts for counsel's own use are not taxable in the absence of a prior special order of the court.

(d) Deposition costs. The reporter's charge for the original deposition is taxable whether or not the same is actually received in evidence or whether or not it is taken solely for discovery. Counsel's copies are not taxable, regardless of which party took the deposition. The reasonable expenses of a deposition reporter and the notary or other official presiding at the taking of the deposition are taxable, including travel, where necessary, and subsistence. Postage costs, including registry, for sending the original deposition to the clerk for filing are taxable if the Court has ordered the filing of said deposition.



Counsel's fees, expenses in arranging for taking and expenses in attending the taking of a deposition are not taxable, except as provided by statute or by the Federal Rules of Civil Procedure. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a taxable deposition is taxable.

(e) Witness fees, mileage and subsistence.

(1) The rate for witness fees, mileage and subsistence are fixed by statute under 28 U.S.C. § 1821. Such fees are taxable even though the witness may not take the stand if it is shown that the attendance was necessary; but if a witness is not used, it will be presumed that the attendance was unnecessary. Such fees are taxable even though the witness attends voluntarily upon request and is not under subpoena. Taxation may be made for the cost of each day the witness is necessarily in attendance and is not limited only to those costs incurred for the actual day the witness testified. Fees will be limited, however, to the days of actual testimony and the days required for travel if no showing is made that the witness necessarily attended for a longer time.

(2) Taxable transportation expenses shall be based on the most direct route at the most economical rate reasonably available for the means of transportation actually used by the witness, subject to the additional provisions of the Federal Rules of Civil Procedure.

(3) Subsistence for the witness under 28 U.S.C. § 1821 is allowable if the distance from the court to the residence of the witness is such that mileage fees would be greater than subsistence fees if the witness were to return to his/her residence from day to day.

(4) No party shall receive witness fees for testifying in that party's own behalf, but this shall not apply where a party is subpoenaed to attend court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than statutorily allowable for ordinary witnesses unless authorized by contract or specific statute.

(5) The reasonable fee for a competent interpreter is taxable if the fee of the witness for whom the interpreting services were required is taxable. The reasonable fee of a competent translator is taxable if the document translated is necessarily filed or admitted into evidence.

(f) Exemplification and copies of papers.

(1) An itemization of costs claimed pursuant to this section shall be attached to the cost bill. The cost of copies of an exhibit necessarily attached to a document required to be filed and served is taxable. Cost of one (1) copy of a document is taxable when admitted into evidence in lieu of an original which is either not available for introduction into evidence, or is not introduced at the request of opposing counsel. The cost of copies submitted in lieu of originals because of the convenience to offering counsel or counsel's client is not taxable. The cost of reproducing copies of motions, pleadings, notices and other routine case papers is not allowable. The cost of copies obtained for counsel's own use is not taxable. The fee of an official for certification or proof regarding non-existence of a document is taxable. Notary fees are taxable if actually incurred, but only for documents which are required to be notarized and which are necessarily filed. Costs incurred for reducing by xerographic or other similar means documents in order to comply with the paper size requirement of LR 9004(a) or LR 9004(d) are taxable.

(2) The cost of patent file wrappers and prior art patents are taxable at the rate

charged by the patent office. Expenses for services of persons checking patent office records to determine what should be ordered are not taxable.

(g) Maps, charts, models, photographs, summaries, computations and statistical summaries. The cost of maps and charts is taxable if they are admitted into evidence. The cost of photographs, 8Ox 10Oin size or less, is taxable if admitted into evidence or attached to documents required to be filed and served on opposing counsel. The cost of enlargements greater than 8Ox 10Q, models or compiling summaries, computations and statistical comparisons is not taxable except by prior order of the court.

(h) Fees of masters, receivers and commissioners. Unless otherwise ordered by the court, the fees of masters, receivers and commissioners are taxable as costs.

(i) Premiums on undertakings and bonds. The party entitled to recover costs shall ordinarily be allowed premiums paid on undertakings and bonds where the same have been furnished by reason of express requirement of the law, on order of the court or a judge thereof, or where the same is necessarily required to enable the party to secure some right accorded to such party in the action or proceeding.

(j) Removed cases. In a case removed from the state court, costs incurred in the state court prior to removal, including but not limited to the following, are taxable in favor of the prevailing party in this court:

- (1) Fees paid to the clerk of the state court;
- (2) Fees for service of process in the state court;
- (3) Costs of exhibits necessarily attached to documents required to be filed in the state court; and
- (4) Fees for witnesses attending depositions before removal unless the court finds that the witness was deposed without reason or necessity.

(k) Party entitled to costs. The prevailing party shall be determined by the court. If each side recovers in part, ordinarily the party recovering the larger sum will be considered the prevailing party. The defendant is the prevailing party upon a dismissal or other termination of the case without judgment for the plaintiff on the merits. In appropriate circumstances, the court may apportion the costs between the parties. No costs shall be allowed to either party if the court is unable to clearly determine the prevailing party.

(l) Costs against the government. For these costs, reference 28 U.S.C. § 2412.

(m) Costs not ordinarily allowed. Unless a party shall substantiate any claim by references to statutes or decisions for the following costs, they will not ordinarily be allowed:

- (1) Accountant's fees incurred for investigation;
- (2) The purchase of infringing devices in patent cases;
- (3) The physical examination of an opposing party;
- (4) Courtesy copies of exhibits furnished to opposing counsel without request; and

(5) Motion pictures.

(n) Method of taxation of costs.

(1) Opposing counsel shall have ten (10) days after service of the bill of costs within which to file and serve written objections specifying each item to which objection is made, the ground for the objection, and to file and serve any affidavit presenting facts relied upon in support of the objection.

(2) On the date set for the taxation neither the parties nor their attorneys shall appear. The clerk shall proceed to tax the costs, and shall allow the items specified in said bill of costs as are properly chargeable as costs. The clerk shall make an insertion of the costs into the docket, and the judgment, if appropriate. The taxation of costs made by the clerk shall be final unless modified on review as provided in LR 7054(o).

(3) Notice of the clerk's taxation of costs shall be given by mailing a copy of the bill as approved by the clerk to all parties in accordance with Fed. R. Civ. P. 5.

(o) Review of costs.

(1) A review of the decision of the clerk in the taxation of costs may be taken to the court on motion to retax by any party in accordance with Fed. R. Civ. P. 54(d). A motion to retax accompanied by points and authorities shall be filed and served within five (5) days after receipt of the notice provided for in LR 7054(n)(3).

(2) A motion to retax shall particularly specify the ruling of the clerk excepted to, and no others will be considered by the court. Said motion shall be decided upon the same papers and evidence submitted to the clerk.

(p) Appellate costs. The bankruptcy court does not tax or retax appellate costs. The certified copy of the judgment or the mandate of the Court of Appeals, without further action by the district court, is sufficient basis to request issuance by the clerk of the bankruptcy court of a writ of execution to recover costs taxed by the appellate court.

(q) Motions for attorneys' fees. When a party is entitled to move the court for an award of attorney's fees, the motion shall be filed with the court and served within fourteen (14) days after final judgment or order disposing of the action.

(r) Procedure for motions for attorney's fees.

(1) Contents of motion. Unless otherwise ordered by the court, a motion for fees must contain the following items in addition to those duties required by Fed. R. Civ. P. 54(d)(2)(B):

(A) An itemization of the work performed, the name of the person performing the work, a brief description of the position and experience of each individual billing time to the case, the hourly charge, and the amount charged. A description of the work performed must be specific so as to permit the reviewer to identify the task(s) sufficiently performed;

(B) An itemization of all costs sought to be charged as part of the fee award and not otherwise taxable pursuant to 28 U.S.C. § 1920;

(C) A brief summarization of the nature of the case, the difficulty of the case, and the results obtained;

(D) Previous applications and the amounts awarded; and

(E) Such other information as the court may direct.

(2) Attorney affidavit. Each motion must be accompanied by an affidavit by the attorney responsible for the billing of the case or the litigants of the action containing the following:

(A) Authentication of the information contained in the motion;

(B) A statement of the amount charged by firm of costs, e.g., computer legal research;

(C) A statement setting forth the hourly rates usually charged for similar services; and

(D) A statement that the bill has been reviewed and edited.

(3) Opposition. Opposition to any motion for request for attorney's fees must be in writing and filed and served pursuant to LR 9014. Unless such opposition contends that fees are not allowable as a matter of law, the opposition must set forth the specific charges that are disputed and the basis for such opposition. The opposition may include affidavits relevant to the fee issues. If no opposition is filed, the court may grant the application. The movant may file a reply within five (5) days.

(4) Hearing. If either party wishes to examine the affiant, such party must specifically set forth the request in the opposition or reply. Absent a request, the court may decide the application on the pleadings or may set the matter for further evidentiary hearing.

#### **LR 7056. SUMMARY JUDGMENT.**

(a) Motions. Motions for summary judgment shall include a concise statement setting forth each fact material to the disposition of the motion which the party claims is, or is not, genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission or other matter upon which the party relies.

(b) Responsive memorandum. Unless otherwise ordered by the court, an opposing party shall have fifteen (15) days after service of the moving party's points and authorities within which to file and serve a memorandum of points and authorities in opposition to the motion.

(c) Reply memorandum. Unless otherwise ordered by the court, the moving party shall have ten (10) days after service of the responsive memorandum to file and serve a reply memorandum of points and authorities if it is so desired.

(d) Hearings on motions for summary judgment.

(1) The party moving for summary judgment shall obtain a hearing date from the clerk for the hearing of the motion. Unless the court shortens the time for hearing, the date shall be not

less than forty-five (45) days from the date of the filing of the motion.

(2) If the opposing party files a countermotion for summary judgment, the original moving party shall have ten (10) days to respond to the motion. Unless otherwise ordered by the court, the countermotion shall be heard at the same time as the original motion.

**LR 7062. STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT.**

Unless otherwise ordered by the court, a supersedeas bond must conform to the provisions of LR 7065.

**LR 7064. SEIZURE OF PERSON OR PROPERTY.**

(a) Service by the United States Marshal. The United States Marshal shall, without need of court order, be authorized to serve civil process on behalf of the United States Government.

(b) Service of process under state procedure. In those cases or proceedings where Federal Rules of Civil Procedure or Federal Rules of Bankruptcy Procedure authorize the service of process to be made in accordance with Nevada state practice, it shall be the duty of counsel for the party seeking the service to furnish the clerk with all necessary orders and sufficient copies of all papers to comply with the requirements of the state practice, together with specific instructions for administering service.

**LR 7065. INJUNCTIONS.**

(a) Qualification of surety. Except for bonds secured by cash or negotiable bonds or notes of the United States as provided for in LR 7065(b), every bond must have as surety:

(1) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(2) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation shall have on file with the clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(3) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or

(4) Such other security as the court shall order.

(b) Deposit of money or United States obligation in lieu of surety. Upon order of the court, there may be deposited with the clerk in lieu of surety:

(1) Lawful money accompanied by an affidavit which identifies the legal owner thereof; or

(2) Negotiable bonds or notes of the United States accompanied by an executed

agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the clerk to collect or sell the bonds or notes in the event of default.

(c) Approval. Unless approval of the bond or the individual sureties is endorsed thereon by the opposing counsel or the party, if appearing *in pro se*, the party offering the bond shall apply to the court for approval. The clerk is authorized to approve bonds unless approval by the court is expressly required by law.

(d) Persons not to act as sureties. No officer of this court, nor any member of the bar of this court, nor any nonresident attorney specially admitted to practice before this court, nor their office associates or employees shall act as surety in this court.

(e) Judgment against sureties. Every surety who provides a bond or other undertaking with the court thereby submits to the jurisdiction of the court regardless of what may be otherwise provided in any security instrument. The surety who provides the bond or other undertaking irrevocably appoints the clerk as agent upon whom any paper affecting liability thereon may be served. Liability shall be joint and several and may be enforced summarily without independent action. Service may be made upon the clerk who shall forthwith mail a copy to the surety at the last known address.

(f) Further security or justification of personal sureties. At any time, upon reasonable notice to all other parties, any party for whose benefit a bond is presented or posted may apply to the court for further or different security or for an order requiring personal sureties to justify.

#### **LR 7067.      REGISTRY FUNDS.**

(a) Deposits and investments.

(1) Funds will be deposited or invested in the Registry Account of this court pursuant to an order by the court. Funds deposited with the court are to be placed in some form of interest-bearing account unless otherwise ordered by the court. Financial institutions designated in 31 CFR 202 (formerly Treasury Circular 176) and the Court Registry Investment System (CRIS) administered through the United States District Court for the Southern District of Texas shall be the only investment mechanisms authorized unless otherwise ordered by the court. All applications, motions, or stipulations by a moving party to an action for an order, and any resulting order of the court, directing the clerk to deposit or invest funds deposited in the Registry Account of the court pursuant to 28 U.S.C. § 2041 shall contain, at a minimum, the following information:

- (A) The amount of funds tendered for deposit.
- (B) The party on whose behalf the tender is being made.
- (C) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of Temporary Restraining Order, etc..
- (D) Whether the funds are being tendered pursuant to statute, rule or court order.
- (E) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into the Court Registry Investment System (CRIS) or a financial institution designated in 31 CFR 202 , and if into a financial institution designated in 31 CFR 202 :

- (i) the type of account or instrument, any terms of investment;
- (ii) The bank or financial institution where the funds are to be deposited or invested; and
- (iii) The amount of insurance and the federal agency insuring the account or instrument, together with a statement as to other accounts held by said party or parties at the named bank or financial institution.

(F) Identification, if any, of any registry deposit intended to be a designated or qualified settlement fund and the identity of the fund's administrator.

(2) If a financial institution is designated for the deposit into the court's Registry, the funds shall only be deposited by the clerk in a financial institution designated in 31 CFR 202 (formerly Treasury Circular 176) and if such financial institution has pledged sufficient securities to secure the total sum of deposits in excess of FDIC coverage (\$100,000 per account). Should the financial institution designated in the order not have sufficient securities pledged, the funds will be deposited in the Court Registry Investment System (CRIS) until the designated financial institution has pledged the required securities and the clerk has been provided with written verification thereof. At that time, the funds will be transferred to the designated financial institution.

(3) If the Court Registry Investment System (CRIS) is designated for the deposit into the Registry Account of the court:

(A) Under CRIS, monies deposited in each case or adversary proceeding account will be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Treasury Securities, which will be held at the Federal Reserve Bank of Dallas, in a safekeeping account in the name and to the credit of the Clerk, United States Bankruptcy Court for the District of Nevada, hereby designated custodian for CRIS.

(B) A CRIS account for each case or adversary proceeding account will be established in CRIS titled in the name of the case giving rise to the investment in the system. Earnings received from the funds investments will be distributed to each case or adversary proceeding account based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund each week. Weekly reports showing the interest earned and the principal amounts contributed in each case or adversary proceeding account will be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

(4) If neither a financial institution designated in 31 CFR 202 nor the Court Registry Investment System (CRIS) is designated for the deposit into the Registry Account of the court, the funds will be deposited in the Court Registry Investment System (CRIS).

(5) Additionally, except for funds held for the benefit of the United States in which no fee is charged, all orders for deposit or other investment of registry funds shall contain the following language: "THE CLERK OF THE COURT IS DIRECTED TO DEDUCT FROM INCOME EARNED ON THE INVESTMENT A FEE NOT EXCEEDING THAT AUTHORIZED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES AND SET BY THE DIRECTOR OF THE ADMINISTRATIVE OFFICE."

(6) It is solely the responsibility of the moving party to identify any terms and/or conditions of any registry deposit in accordance to subsection (a)(1) of this rule. Failure of the party or parties to so identify minimum requirements designated by subsection (a)(1) shall release the clerk from any liability for reporting and/or tax treatment of interest on such funds pursuant to Section 468B of the Internal Revenue Code (title 26, U.S.C.).

(b) Certificate of cash deposit. The clerk may refuse for deposit cash tendered without the Certificate of Cash Deposit required by these rules. In the event that cash is tendered to the clerk for deposit into the Registry Account of this court, it shall be accompanied by an order of the court directing deposit pursuant to subsection (a) of this rule and written statement entitled “Certificate of Cash Deposit” which shall be signed by counsel or party appearing *in pro se* and shall contain the following information:

- (1) The amount of cash tendered for deposit;
- (2) The party on whose behalf the tender is being made;
- (3) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of Temporary Restraining Order, etc.;
- (4) Whether the cash is being tendered pursuant to statute, rule or court order;
- (5) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into the Court Registry Investment System (CRIS) or a financial institution designated in 31 CFR 202 , and if into a financial institution designated in 31 CFR 202:

- (A) the type of account or instrument, any terms of investment;
- (B) The bank or financial institution where the funds are to be deposited or invested; and
- (C) The amount of insurance and the federal agency insuring the account or instrument, together with a statement as to other accounts held by said party or parties at the named bank or financial institution.

(6) Identification, if any, of any registry deposit intended to be a designated or qualified settlement fund and the identity of the fund's administrator; and

(7) A signature block whereon the clerk can acknowledge receipt of the cash tendered. The signature block shall not be set forth on a separate page, but shall appear approximately one inch (10) below the last typewritten matter on the left-hand side of the Certificate of Cash Deposit and shall read as follows:

“RECEIPT  
Cash as identified herein is hereby  
acknowledged as being received this date.  
Dated: \_\_\_\_\_  
CLERK, U.S. BANKRUPTCY COURT  
By: \_\_\_\_\_  
Deputy Clerk”



(c) Service of order. Counsel obtaining an order as described in subsection (a) of this rule shall cause a copy of the order to be served personally upon the clerk, or financial administrator deputy in Las Vegas, or the deputy in charge in the Reno divisional office. A supervisory deputy clerk may accept service on behalf of the clerk, financial administrator in Las Vegas, or deputy in charge in the Reno divisional office in their absence.

(d) Deposit of funds by the clerk after receipt of order. The clerk shall take all reasonable steps to deposit funds into an interest bearing account or instruments within, but not more than, fifteen (15) days after service of the order as provided by subsection (c) of this rule. Notwithstanding the provisions of subsection (a) of this rule, in the event counsel should fail to submit an order as required, the clerk is authorized to deposit funds to be held in the Registry Account in an interest bearing account in the Court Registry Investment System (CRIS) pursuant to subsection (a) of this rule.

(e) Verification of deposit by moving party of investment of funds. It shall be the responsibility of any party or parties obtaining an order directing investment of funds by the clerk to verify with the clerk that the funds have been deposited and/or invested as ordered. Such verification shall be completed within fifteen (15) days after service of the order as provided by subsection (c) of this rule.

(f) Failure of compliance. Failure of the party or parties to personally serve: (i) the clerk or financial administrator deputy in Las Vegas; (ii) the deputy in charge of the Reno divisional office; or (iii) in their absence a supervisory deputy clerk, with a copy of the order or failure to verify investment of the funds, shall release the clerk from any liability for the loss of earned interest on such funds.

(g) Moving party's responsibility of disposition of funds at maturity.

(1) It shall be the responsibility of counsel to notice the clerk regarding disposition of funds at maturity of a timed instrument. In the absence of the notice, funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing rate of interest. Funds invested in a timed instrument not subject to renewal will be redeposited by the clerk into an interest bearing account in the Court Registry Investment System (CRIS) pursuant to subsection (a) of this rule.

(2) Service of notice by counsel as required by subsection (g)(1) of this rule shall be made in accordance with the requirements as provided by subsection (c) of this rule, and must be made no later than fifteen (15) days prior to maturity.

(h) Change in terms/conditions of an investment held in the Registry Account. Any change in terms or conditions of an investment shall be by court order only and counsel will be required to comply with subsections (a), (b), and (c) of this rule.

(i) Withdrawal of funds on deposit held in the Registry Account.

(1) No funds shall be withdrawn from the Registry Account and released by the clerk except by order of the court pursuant to 28 U.S.C. § 2042. All orders submitted to the clerk for withdrawal and release of registry account funds will be accompanied by affidavit of counsel setting forth facts indicating the order approving withdrawal and release of registry account funds is nonappealable, or subject to any similar appeal process.

(2) The clerk is authorized to withdraw funds from the Registry Account without delay:

(A) Solely upon presentation of a fully executed court order specifically waiving the period of appeal and stating withdrawal and release of funds is to be made immediately, or by a date certain. In the event the order does not state the appeal waiver, or a date certain for withdrawal of funds from the Registry Account, the clerk is authorized to make withdrawal and release of such funds either upon the expiration of ten (10) business days pending time for appeal, or upon an appeal being determined final and nonappealable; or

(B) Without further order pursuant to the delegated authority of LR 5075(a)(2)(W) wherein the clerk may assess, deduct and withdraw a fee from the Registry Account of the court.

(3) If the order submitted does not conform to the provisions of subsections (a) and (b) of this rule, and is not served pursuant to subsection (c) of this rule, there shall be no liability on the clerk as the result of payment on a certain date should the interest be reduced or the principal invaded.

**LR 8001. NOTICE OF APPEAL; ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL.**

(a) Order Being Appealed. The appellant shall attach to the notice of appeal filed in bankruptcy court a copy of the entered judgment, order or decree from which the appeal was taken.

(b) Bankruptcy Appellate Panel. Pursuant to 28 U.S.C. § 158(b)(6), this court hereby authorizes a Bankruptcy Appellate Panel to hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges from this district, subject to the limitations set forth in subsections (b) and (c) of this rule.

(1) The Bankruptcy Appellate Panel may hear and determine only those appeals in which there has not been timely filed a “statement of election to have appeal heard by district court instead of Bankruptcy Appellate Panel” pursuant to the provisions of 28 U.S.C. § 158(c)(1) and Fed. R. Bank. P. 8001(e).

(2) The Bankruptcy Appellate Panel may hear and determine appeals from final judgments, orders and decrees entered by bankruptcy judges and, with leave of the Bankruptcy Appellate Panel, appeals from interlocutory orders and decrees entered by bankruptcy judges.

(3) The Bankruptcy Appellate Panel may hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to the district court from the previous Ninth Circuit Bankruptcy Appellate Panel by Section 115(b) of The Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353. The Bankruptcy Appellate Panel may not hear or determine appeals from judgments, orders and decrees entered by bankruptcy judges between December 25, 1982, and July 10, 1984, under the Emergency Bankruptcy Rule of this district.

(c) Time for election.

(1) When a notice of appeal is filed with the clerk of the bankruptcy court, the appeal shall be referred to the Bankruptcy Appellate Panel, unless the appellant files at the time of filing the appeal a statement of election under 28 U.S.C. § 158(c)(1) in a separate writing pursuant to Fed. R. Bank. P. 8001(e) that the appeal be heard by the district court. All parties to the appeal shall be notified of

the filing and reference within the time and in the manner provided for in LR 8004.

(2) Unless a party to the appeal files a statement of election under 28 U.S.C. § 158(c)(1) in a separate writing pursuant to Fed. R. Bank. P. 8001(e) that the appeal be heard by the district court with the clerk of the Bankruptcy Appellate Panel not later than thirty (30) days after service of the notice of appeal, the appeal will be heard by the Bankruptcy Appellate Panel.

#### **LR 8004. SERVICE OF NOTICE OF APPEAL.**

(a) Service. Not later than three (3) days after the filing of a notice of appeal, the clerk of the bankruptcy court shall serve upon all parties to the appeal a copy of the notice of appeal. A copy of the notice of appeal shall also be transmitted to the clerk of the Bankruptcy Appellate Panel, unless the appellant has filed a “statement of election to have the appeal heard by the district court instead of the Bankruptcy Appellate Panel” under 28 U.S.C. § 158(c)(1) and Fed. R. Bank. P. 8001(e).

(b) Notification of Bankruptcy Appellate Panel procedures. Upon receipt of the notice of appeal, the clerk of the Bankruptcy Appellate Panel shall, as directed by order of the Ninth Circuit Court of Appeals, notify the parties of the procedures and requirements relating to practice before the Bankruptcy Appellate Panel.

#### **LR 8006. DESIGNATION OF RECORD - APPEAL.**

(a) Reproduction of record on appeal.

(1) In all appeals to the district court or other appellate court the original pleadings shall remain in the custody of the bankruptcy court, unless the party or parties or the clerk have obtained an order from a bankruptcy judge allowing the original, official case/adversary file to be forwarded to the district court.

(2) If required by the district court or other appellate court in addition to the excerpts of the record required by LR 8009, a reproduction of pleadings from the court's official case/adversary file, as designated, shall be transmitted to the district court or other appellate court. The clerk of the bankruptcy court shall request copies to be provided from the party or parties designating the record on appeal. The copies shall be tendered to the clerk in chronological order in conformity to LR 9004(c) within 30 days from the date of the request by the clerk or within a shorter time if ordered by the district court or other appellate court, after which the clerk shall tender a receipt of copy for all items designated. If any party fails to provide the clerk with copies of designated items within thirty (30) days from the date of the request by the clerk or within a shorter time if ordered by the district court or other appellate court, the clerk may make copies at the expense of the designating party.

(b) Designation and preparation of reporter's and recorder's transcripts.

(1) It shall be the responsibility of the party filing the notice of appeal, or other moving party, to specify the date(s), time(s) and type of hearing(s) and identify by name the court reporter or recorder when designating transcripts on appeal.

(2) The party filing the “Notice of Transcript” shall include in the “Notice,” at a minimum:

- (A) All transcripts listed in the designation of record, if any;
- (B) Notation of the date of filing, if any; and
- (C) The estimated time of filing, whether expedited or in the ordinary course of transcription.

(c) Procedure for requesting preparation of transcript. A transcript order form (AO 435) must be submitted to the clerk and shall specify which portions of the designated transcript a particular court reporter or recorder shall be responsible for transcribing. If a court reporter was present, the clerk may arrange for the transcription of the record at the requesting party's expense.

#### **LR 8007. TRANSMISSION OF RECORD ON APPEAL.**

When the record, including any transcript, is complete for the purposes of appeal, the clerk of the bankruptcy court shall transmit a certificate of record to the district court or other appellate court. The clerk of the bankruptcy court shall forthwith notify the parties of the date of the filing of the certificate of record with the district court or other appellate court. The record shall be retained by the clerk of the bankruptcy court until requested by the district court or other appellate court.

#### **LR 8009. BRIEFS AND APPENDIX.**

(a) Excerpts of record. Excerpts of record shall be filed by the parties on appeals to the district court in the same manner as required by Fed. R. Bank. P. 8009(b) for appeals to the bankruptcy appellate panel. A party filing excerpts of record with the district court shall file two (2) copies to be bound separately from the briefs. A party filing excerpts of record with the bankruptcy appellate panel shall file the number of copies as required by the 9th Circuit Bankruptcy Appellate Panel.

(b) Transcripts. The excerpts of record shall include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court or other appellate court.

#### **LR 8018. LOCAL RULES OF CIRCUIT JUDICIAL COUNCIL OR DISTRICT COURT.**

Practice in such bankruptcy appeals as may come before the district court shall be governed by Part VIII of the Federal Rules of Bankruptcy Procedure, except as provided in LR 8070 or in rules subsequently adopted by the district court.

#### **LR 8070. DISMISSAL OF APPEAL BY COURT FOR NON-PROSECUTION.**

(a) The court may enter an order dismissing the appeal, impose such sanctions as the court deems appropriate, or both in circumstances indicated in subsections (1) and (2) of this rule, which may be invoked on motion of a party or by the court *sua sponte* after notice to the parties:

(1) When an appellant fails timely to pay the filing and/or docket fee for the notice of appeal; file a designation of the reporter's transcript, designation of record, statement of issues and/or

brief; file the excerpts of record; or otherwise comply with rules and orders governing the processing of bankruptcy appeals by the district court; or

(2) When an appellee fails timely to file a designation of reporter's transcript, designation of record or brief; or otherwise comply with rules and orders governing the processing of the bankruptcy appeals by the district court.

#### **LR 9004. PAPERS - REQUIREMENTS OF FORM.**

(a) Form of papers.

(1) The form of papers filed with the bankruptcy court shall be flat, unfolded, firmly bound together at the top and legibly typewritten on eight-and-one-half by eleven inch (8½Ox 11O) size paper, with copies reproduced by any method resulting in clearly readable copy. Unless otherwise ordered by the court, all typewriting and handwriting shall be double-spaced.

(2) Excepted from the format outlined in subsection (a)(1) of this rule are:

(A) Exhibits, footnotes and quotations, the identification of counsel, caption, title of the court and the name of the case; and

(B) The title page, which shall begin at least one-and-one-half inches (1½O) from the top of the page.

(b) Print requirements. All typewriting shall be of a size which is either not more than ten (10) characters per linear inch; or, not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than two (2) sentences shall be indented. All pages of each pleading or other papers filed with the court (except exhibits) shall be numbered consecutively. All pages of each pleading or other papers filed with the court (including exhibits) shall be single-sided with print on only one side of the paper.

(c) Papers. Papers presented for filing, receiving or lodging with the clerk shall be pre-punched with two (2) holes, centered, two-and-three-quarters inches (2¾O) apart, one-half inch (½O) to five-eighths inch (⅝O) from the top edge of the paper.

(d) Exhibits.

(1) All exhibits and copies thereof attached to papers shall show the exhibit number indicated at the bottom thereof by use of indexing tabs. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous. Counsel is required to reduce oversized exhibits by xerographic or other similar means in order to comply with the 8½Ox 11Osize paper requirement unless the reduction would destroy legibility or authenticity. In such instances, an oversized exhibit which cannot be reduced in size shall be filed separately with a captioned cover sheet which identifies the exhibit(s) and the document(s) to which it refers.

(2) If affidavits/declarations are used, they must be filed with the motion, attached as exhibits and tabbed appropriately.

(e) Caption, title of court and name of case. The following information (illustrated in

subsection (e)(8) of this rule) shall be stated upon the first page of every paper presented for filing:

(1) The name, Nevada state bar number, address, telephone number, fax number, and e-mail address of the attorney and any associated attorney appearing for the party filing the petition, or the name, address and telephone number of a party appearing in proper person;

(2) The title of the court shall appear at the center of the first page at least one inch (10) below the information required by subsection (1) of this rule;

(3) Below the title of the court, there shall be inserted in the space to the left of center of the paper the name of the action or proceeding;

(4) In the space to the right of center opposite the name of the action or proceeding there shall be inserted the chapter of the Bankruptcy Code under which the case is pending, the bankruptcy case number ("BK" for bankruptcy), followed by the clerk's designated identification for the presiding bankruptcy court judge; and, where applicable, there shall be included the adversary proceeding number or motion number, followed by the clerk's designated identification for the presiding bankruptcy court judge;

(5) Upon the filing of certain paper or pleading (e.g., motions for relief of the automatic stay) the clerk of the court will issue a motion control number, which motion control number shall be included directly below the bankruptcy case number;

(6) Every paper filed with this court shall include, directly below the bankruptcy case number, and adversary or motion number, a precise, complete, and specific description of the nature of the document underlying the initial paper or pleading filed (e.g., motion to reject executory contract, notice of motion to reject executory contract, certificate of service of notice of motion to reject executory contract, objection to motion to reject executory contract, order granting/denying motion to reject executory contract, etc.);

(7) Immediately below the description shall appear the time, date of the hearing on the matter to which the paper is addressed, and the estimated time of hearing; and

(8) A sample illustration of the provisions of subsections (e)(2)-(7) of this rule is as follows:

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

IN RE:	)	BK-N-95-000123-GWZ
	)	CHAPTER 7
JOHN DOE,	)	
	)	MOTION TO REJECT
	)	EXECUTORY CONTRACT
	)	
	)	Hearing Date: _____
Debtor(s),	)	Hearing Time: _____
_____	)	Estimated Time: _____

(f) 11 U.S.C. § 362 pleadings/cover sheet. With every filing in this court of a motion for

relief from the automatic stay pursuant 11 U.S.C. § 362, the motion shall be accompanied by a properly completed § 362 information cover sheet, on colored paper attached as Exhibit A to the motion. Failure to comply with any of these provisions may result in sanctions, denial of motion or other adverse ruling.

(g) Facsimile or electronically produced signature. Unless otherwise ordered in a case, the clerk may accept for filing papers (other than original petitions) bearing a facsimile or electronically produced signature, as if such signature was an original signature.

#### **LR 9006. TIME PERIODS.**

(a) In appropriate circumstances and for good cause shown, the court may shorten the time for a notice of intended action, or for serving a motion and holding the hearing thereon.

(b) Unless otherwise permitted by the court, every motion for an order shortening time shall be accompanied by an affidavit setting forth the reason why an expedited hearing is required, a copy of the motion for which an expedited hearing is sought, and an “Attorney Information Sheet For Proposed Order Shortening Time,” or similar statement indicating the following:

(1) Whether opposing counsel and other interested parties and persons were provided notice;

(2) Whether opposing counsel or other persons consent to a hearing on shortened time;

(3) The date counsel or other persons were provided notice; and

(4) How notice was provided; or, if counsel or other persons were not provided notice, how the moving party attempted to provide notice.

#### **LR 9009. FORMS.**

In addition to the Official Forms prescribed by the Judicial Conference of the United States, the court may from time to time establish forms as needed in the interests of facilitating the administrative process.

#### **LR 9010. ATTORNEYS - NOTICE OF APPEARANCE.**

Any corporation, partnership or other business entity, except when acting as a bankruptcy trustee for a corporation or partnership, shall be represented only by an attorney.

#### **LR 9011. PRO SE PARTIES.**

(a) Petition Preparers.

(1) Fines for improper conduct of petition preparers. When a non-lawyer petition preparer is alleged to be in violation of 11 U.S.C. § 110(b) through (g), the Bankruptcy Court shall find

the facts and impose the fines set forth in those provisions.

(2) Disallowance of Excess Fees, Turnover Orders and Fines for Violating Such Orders. Where a non-lawyer petition preparer is alleged to be in violation of 11 U.S.C. § 110(h), the Bankruptcy Court shall find the facts and order the disallowance of fees and turnover of such excess fees to the bankruptcy trustee.

(b) Injunctions against Petition Preparers under 11 U.S.C. § 110(j).

(1) Commencement of action. An action seeking an injunction under 11 U.S.C. § 110(j) shall be commenced in the Bankruptcy Court.

(2) Issuance of injunction. The Bankruptcy Court shall find the facts and order an injunction.

(3) Attorney's fees and costs. The Bankruptcy Court shall award a successful plaintiff's fees and costs in bringing an action pursuant to 11 U.S.C. § 110(j)(3).

(c) Certification of Facts to the District court under 11 U.S.C. § 110(i).

(1) Commencement of Certification of Facts Proceeding. A certification of facts proceeding under 11 U.S.C. § 110(i) is commenced in the Bankruptcy Court on a motion by the debtor, the trustee, a creditor or on the Bankruptcy Court's own motion. The Bankruptcy Court is required to:

(A) Give notice to the accused preparer; and

(B) Conduct a hearing prior to certifying facts to the District Court.

(2) Certification to the District Court. In certifying facts under 11 U.S.C. § 110(i)(1) to the District Court, the Bankruptcy Court shall:

(A) Include such findings of fact as were made during the bankruptcy proceeding;

(B) Include the transcript and the record in the bankruptcy proceeding upon which the facts were found;

(C) Include the Bankruptcy Court's finding as to the debtor's actual damages under 11 U.S.C. § 110(i)(1)(A);

(D) Include the Bankruptcy Court's finding as to whether the \$2,000.00 penalty or twice the amount paid by the debtor to the preparer is the greater sum for inclusion in the penalty under 11 U.S.C. § 110(i)(1)(B);

(E) Include the Bankruptcy Court's finding as to the amount of the movant's reasonable attorney's fees and costs incurred in connection with the certification proceedings; and

(F) Advise the prevailing party in the bankruptcy proceeding that it should, following the issuance of the Bankruptcy Court's decision, file an appropriate motion in the District Court



moving the imposition of further sanctions pursuant to 11 U.S.C. § 110(i).

(3) District Court Procedure. When the certification of facts is before the District Court:

- (A) No in-person hearing is required unless the court so directs;
- (B) At the hearing, no new evidence shall be received, and the hearing shall be on the record only;
- (C) Briefing shall only be allowed by those parties affected;
- (D) The Bankruptcy Court's findings of fact shall be reviewed under the abuse of discretion standard; and
- (E) The Bankruptcy Court's conclusions of law shall be reviewed de novo.

(d) Petition preparer guidelines. The United States trustee may issue guidelines in connection with the provisions of 11 U.S.C. § 110. The guidelines will set forth positions which will generally be followed by the United States trustee in relation to petition preparers. The United States trustee may from time to time revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision. Copies of such guidelines shall be available from the United States trustee upon request.

#### **LR 9013. MOTION PRACTICE**

See LR 9014.

#### **LR 9014. MOTION/CONTESTED MATTERS; BRIEFS AND MEMORANDA OF LAW.**

(a) Applicability. Unless otherwise ordered by the court, with the exception of motions made pursuant to Fed. R. Bank. P. 7056, LR 7056, Fed. R. Bank. P. 2004 and LR 2004, a hearing date must be obtained for all motions. Whenever “notice and a hearing” is required the party intending action or requesting relief shall proceed as follows:

- (1) By motion, if a court order must be obtained. In the absence of objection, or as is appropriate in the particular circumstances, the relief requested may be granted without a hearing; or
- (2) By notice, if action may be taken without court order in the absence of an objection. The notice shall be served by the party intending action upon all parties in interest as specified in subsection (c)(1) of this rule. If no objection is timely filed the action may be taken without a hearing. If an objection is timely filed, it is the duty of the objecting party to set the matter for hearing and request determination by the court.

(b) Court calendar; hearing.

- (1) Unless otherwise directed by the court, all hearings (including motions in

adversary proceedings, objections and other matters for which a hearing is necessary) shall be set by counsel or persons acting *in pro se* on the calendar of the judge to which the case is assigned. The court may set any matter for hearing whether or not a hearing is required by statute or rules.

(2) Each judge of the court will maintain his or her motion calendar and specific court procedures. Information as to the time and dates of each judge's calendar and respective procedures, including the allowance for live testimony, may be obtained from the clerk.

(3) The first date set for the hearing may be deemed by the judge to be a status and scheduling hearing if the judge determines that evidence must be taken to resolve a material factual dispute. Uncontroverted facts may be taken as true. The judge may order a further hearing at which oral evidence and exhibits will be received, or may order that all evidence shall be presented by affidavit or declaration.

(c) Notice of hearing, and service of motion and notice.

(1) The movant shall obtain a hearing date and the notice of hearing shall be filed with the motion and shall include the following:

- (A) The date;
- (B) Time and place of the hearing;
- (C) A statement of the relief sought;
- (D) A statement of the time for filing and service of objections;
- (E) A statement that the relief requested may be granted without a hearing if timely objection is not filed and served as required by subsection (e)(1) of this rule; and
- (F) If a hearing has been set pursuant to an order shortening time, the motion and order shortening time will constitute notice of hearing.

(2) Service of the motion and notice thereof shall be made in accordance with these rules and the Federal Rules of Bankruptcy Procedure and shall be made within two (2) business days of the filing of the motion.

(A) The proof of service shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service or certificate of the person who made service. The court may refuse to take action on any papers until proper proof of service is filed. If an acknowledgment or certificate of service is attached to the paper presented for filing, it shall be attached underneath. The notice and accompanying proof of service shall be filed not more than five (5) business days after the filing of the matter.

(B) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

(C) Except for motions made pursuant to LR 7056 and LR 4001, and other motions or matters requiring more or less than twenty-five (25) days notice as provided elsewhere in these

rules, service shall be completed so that all parties in interest are given not less than twenty-five (25) days notice of the hearing, unless the court shortens the time pursuant to LR 9006 or otherwise designates the parties to be served.

(d) Contents of motion; affidavits and declarations.

(1) The motion must state the facts upon which it is based and must contain a legal memorandum. If affidavits/declarations are used, they must be filed with the motion, attached as exhibits and tabbed appropriately.

(2) Affidavits and declarations failing to comply substantially with all of the requirements of subsection (d) of this rule may be stricken in whole or in part upon the request of an opposing party or upon the judge's own initiative. A motion, supported by affidavits and declarations, made under penalty of perjury, shall:

(A) Identify the affiant, the party on whose behalf the affidavit is submitted, and the motion to which it pertains;

(B) Contain only factual evidentiary matter or expert opinion, conform as far as possible to the requirements of Fed. R. Civ. P. 56(e), and avoid mere general conclusions or arguments;

(C) Specify the source and basis of any statement made on information and belief, and the reasons why it cannot be made upon personal knowledge;

(D) Identify and authenticate documents and exhibits offered in support of the motion or opposition, unless such documents are already in the record and are specifically referred to and identified in the motion or opposition; and

(E) If an appraisal, shall include a statement of the qualifications of the appraiser, and shall either be made under penalty of perjury or shall be included by reference into an affidavit or declaration of the appraiser.

“ADMINISTRATIVE ORDER #04-1 - CLARIFICATION OF LOCAL RULE 9014(e)(1)  
entered on April 28, 2004:

WHEREAS Local Bankruptcy Rule (“LR”) 9014(e)(1) is often misconstrued and oppositions for matters set on more than fifteen (15) days’ notice are routinely being filed merely five (5) days before the hearing date, when LR 9014(e)(1) requires oppositions to be filed within fifteen (15) days, except in limited circumstances,

IT IS ORDERED that LR 9014(e)(1) is hereby clarified as follows: Except for motions made pursuant to Fed. R. Bank. P. 7056 and LR 7056, an opposition to a motion must be filed and service completed upon the movant not more than fifteen (15) days after service of the motion. If the hearing has been set on less than fifteen (15) days’ notice, the opposition must be filed no later than five (5) business days prior to the hearing unless otherwise ordered by the court. The opposition must set forth all relevant facts and must contain a legal memorandum. An opposition may be supported by affidavits or declarations that conform to the provisions of LR 9014(d).  
IT IS SO ORDERED.

Hon. Gregg W. Zive, Chief Judge, United States Bankruptcy Court, District of Nevada  
Hon. Linda B. Riegler, United States Bankruptcy Court, District of Nevada.”

(e) Opposition or response required; reply.

(1) Except for motions made pursuant to Fed. R. Bank. P. 7056 and LR 7056, an

opposition to a motion must be filed and service completed upon the movant not more than fifteen (15) days after service of the motion, but in no event later than five (5) business days before the date set for

the hearing so that the movant receives the opposition no less than five (5) business days before the hearing date or within the time otherwise fixed by the court. The opposition must set forth all relevant facts and must contain a legal memorandum. An opposition may be supported by affidavits or declarations that conform to the provisions of subsection (d) of this rule.

(2) A reply memorandum may be filed and served upon the opposing party no later than two (2) business days before the date set for hearing or within the time otherwise fixed by the court.

(3) Uncontroverted facts may be taken as true. If no response or opposition is filed within the time required by these rules, the court may enter an order granting the relief requested in the motion without further notice and without a hearing.

(f) Limitation on Length of Briefs and Points and Authorities; Requirement for Index and Table of Authorities. Unless otherwise ordered by the court, pre-hearing and post-hearing briefs and points and authorities in support of, or in response to, motions shall be limited to twenty (20) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be limited to fifteen (15) pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include an index and table of contents.

(g) Stipulations.

(1) Stipulations of counsel relating to proceedings before the court shall be in writing, signed by the parties to the stipulation and served on all other parties who have appeared.

(2) No stipulations between the parties relating to proceedings before the court, except stipulations pursuant to Fed. R. Bank. P. 7029, shall be effective until approved by the court and entered upon the court's docket.

(3) A dispositive stipulation shall be treated as a motion unless the stipulation is approved in writing by all counsel who have appeared for the parties and any party appearing in proper person.

(4) Whenever any written stipulation contains a provision for continuing a hearing or a provision for vacating a pending hearing, a separate "Notice of Continuance of Hearing" or "Notice Vacating Hearing" shall be clearly set forth in the caption. Any Notice of Continuance of Hearing shall contain notification of the hearing date and time which is to be continued, and the new date and time which has been scheduled. Any Notice Vacating Hearing shall contain notification of the hearing date and time which is to be vacated.

## **LR 9015. JURY TRIALS.**

(a) Designation to conduct jury trials. The bankruptcy judges of this district are designated to exercise all jurisdiction in civil jury cases pursuant to 28 U.S.C. § 157(e). Consent of the parties may be made in writing or orally on the record and, unless otherwise ordered by the court, must be given at least thirty (30) days prior to the date first set for trial.

(b) Demand. Fed. R. Civ. P. 38 shall apply in adversary proceedings where there is a right to trial by jury.

(c) Form of demand. Where demand is made for a jury trial, it shall appear immediately following the title of the complaint or answer containing the demand, or in such other document as may be permitted by Fed. R. Civ. P. 38(b). Any notation on the adversary proceeding cover sheet concerning whether a jury trial is, or is not demanded shall not constitute a demand for a jury trial under these local rules.

(d) Procedure. In any proceeding in which a demand for jury trial is made, the court shall, upon motion of one of the parties or upon the court's own motion, determine whether the demand was timely made and whether the demanding party has a right to a jury trial. The court may, on the judge's own motion, determine that there is no right to a jury trial in a proceeding even if all the parties have consented to a jury trial.

(e) Consent and withdrawal. If the court determines that the demand was timely made and the party has a right to a jury trial, and if all parties have not filed a written consent to a jury trial before the court, the bankruptcy judge shall preside over all pretrial proceedings. When the proceeding is ready to be tried by a jury, the court shall certify that fact to the district court, and further certify that the parties have not consented to a jury trial in the bankruptcy court. Upon such certification, reference of the proceeding shall be automatically withdrawn and the proceeding assigned to a district court judge.

(f) Non-jury determination. If the court determines that a jury demand was not timely made, or the demanding party is not entitled to a jury trial, the proceeding shall be heard as a non-jury proceeding before the court.

(g) Certification to United States District Court. If, upon timely motion of a party or on the judge's own motion, the court determines that a claim is a personal injury tort or wrongful death claim requiring trial by a district court judge, the proceeding shall be certified to the district court based upon that fact pursuant to 28 U.S.C. § 157(b)(5).

#### **LR 9017. USE OF ALTERNATE DIRECT TESTIMONY AND EXHIBITS AT TRIALS.**

(a) Purpose. The purpose of this procedure is to facilitate pretrial preparation and to streamline the adducement of direct testimony at trials of adversary proceedings. This procedure shall be known as the “alternate direct testimony procedure.”

(b) Stipulation for use. Upon stipulation of all parties involved and the approval of the judge, or upon order of the court, the alternate direct testimony procedure may be utilized in all trials of adversary proceedings or contested matters. The stipulation shall be filed with the court no later than the time of the pretrial conference required by LR 7016 and 7026.

(c) Preparation of direct testimony and exhibits. Unless otherwise ordered by the court, each attorney shall prepare a written declaration or affidavit of the direct testimony of each witness to be called, except hostile or adverse witnesses. The declaration or affidavit shall be executed by the witness under penalty of perjury. Each statement of fact or opinion shall be set forth in separate sequentially numbered paragraphs and shall contain only matters which are admissible under the Federal Rules of Evidence. Declarations and affidavits shall conform to the provisions of LR 9014(d)(2).

(d) Submission of declarations, exhibits, and objections. Unless otherwise ordered by the court, copies of all declarations of witnesses and exhibits which are intended to be presented at trial shall be furnished to opposing counsel and lodged with the court as follows:

(1) The plaintiff shall submit all declarations and exhibits comprising plaintiff's case in chief ten (10) business days before the trial;

(2) The defendant shall submit all declarations and exhibits comprising the defense case five (5) business days before trial;

(3) Two (2) business days before trial each party shall lodge with the courtroom deputy clerk of the judge to whom the trial is assigned, one (1) copy of all declarations and exhibits intended to be presented at trial by that party, and an original and one (1) copy of that party's written objections to the admission of any of the declarations or exhibits of an opposing party. Copies of exhibits lodged with the clerk shall be pre-marked by counsel, and shall be accompanied by a cover sheet index containing a brief description of each exhibit; and

(4) Unless otherwise stipulated by the parties with approval of the judge, the declarants must be made available for cross examination at the time of trial.

(e) Utilization of live testimony. All cross-examination, rebuttal, and surrebuttal shall be by live testimony unless stipulated by the parties and approved by the judge. Notwithstanding the provisions of this rule, the court, in its discretion, may allow the live direct examination of any witness.

**LR 9018. SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY MATTER.**

(a) Papers submitted for the court's *in camera* inspection shall be accompanied by a captioned cover sheet complying with LR 9004, indicating that it is being submitted *in camera*. Counsel shall provide to the court an envelope of sufficient size into which the *in camera* papers can be sealed without being folded. Counsel shall be permitted to tender to the clerk of the court papers *in camera* without a prior court order authorizing same.

(b) The court will review the *in camera* submission and enter an appropriate order directing that it be filed under seal, be made part of the official public file, or be permitted to be withdrawn. In the event the court orders such paper sealed, the moving party shall submit an order in compliance to LR 9022, which order shall be docketed by the clerk.

**LR 9019. SETTLEMENTS AND AGREED ORDERS;  
ALTERNATIVE DISPUTE RESOLUTION (ADR).**

(a) The court, upon its own initiative or upon the request of any party in interest, may at any time order that a matter be set for settlement conference or other alternative method of dispute resolution.

(b) It is the duty of the plaintiff or moving party to promptly advise the court in writing when any adversary proceeding or contested matter is settled.

(c) Unless otherwise directed by the court, when any party gives notice of a motion for the approval of a compromise, that party shall either include a summary of the essential terms of the compromise in the notice or shall serve a copy of the compromise with the notice.

**LR 9021. JUDGMENTS AND ORDERS - ENTRY OF.**

(a) Preparation of entry of orders and judgments. Unless proposed findings of fact, conclusions of law, judgments or orders are submitted in court and accepted by the judge at the time of the ruling, counsel whose duty it is to prepare any such document shall submit the original and a copy thereof to opposing counsel, to the trustee, and to the office of the United States trustee in chapter 11, 12, and 13 cases.

(1) Unless otherwise ordered, all proposed findings of fact, conclusions of law, judgments and orders, shall be prepared in writing by the attorney for the prevailing party and these documents shall embody the court's decision and include a date block, and a judge's signature block which shall appear approximately one inch (1") below at least two (2) typewritten lines on the right-hand side of the last page;

(2) No language other than approved or "disapproved" shall appear above opposing counsel's signature; and

(3) Unless otherwise ordered by the court, "opposing counsel" shall mean any attorney who appeared at the hearing regarding the matter which is the subject of the order or having filed written objections.

(b) Service and lodging. Counsel preparing the document may proceed in one of two ways:

(1) Counsel may mail a copy to all opposing counsel and the trustee, wait five (5) business days, and then file the original with the clerk together with an affidavit or certificate of service regarding service of the copy; or

(2) Counsel may serve the original on opposing counsel who shall forthwith acknowledge on the original the date of receipt and shall endorse an approval or disapproval as to form consistent with the court's oral ruling. Such endorsement does not constitute approval of the substance and does not waive any right of appeal.

(3) Counsel preparing the document shall lodge with the clerk the endorsed original and such copies as are required by the clerk.

(c) Objection. Opposing counsel shall have five (5) business days after the date of service under (b)(1) or (b)(2) within which to file and serve a detailed statement of objections thereto together with an alternative proposed form of document. If objections are filed, the court may either require counsel to respond as it deems appropriate or may sign the document as prepared or as modified.

(d) Conditional Orders. If no objection is filed to a conditional order dismissing or converting a case, it will be deemed to be dismissed or converted at the expiration of the objection period without further order of the court.

## **LR 9022. JUDGMENTS AND ORDERS - NOTICE OF.**

(a) Unless otherwise ordered by the court, counsel whose duty it is to prepare an order or judgment shall upon entry of such order or judgment, immediately serve notice of entry on the opposing counsel as defined in LR 9021(a)(3) or such other entities as the court directs. The notice of entry shall include a copy of the document and the date of entry of the document.



(b) Lack of notice of the entry does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed except as permitted in Fed. R. Bank. P. 8002.